
Appeal Decision

Site visit made on 22 August 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 27th September 2019

Appeal Ref: APP/H0520/W/19/3227941

Old Dairy Nursery, Luke Street, Eynesbury, St Neots, Cambs

- 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 AWJ Usher & Sons Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 17/02681/FUL, dated 21 December 2017, was refused by notice dated 22 November 2018.
 - The development proposed is erection of eight dwellings; 1 x Farmhouse, 1 x Cottage, 1 x Detached Barn & 5 x Sub-Divided Barn style properties, detached Car Barn and associated Access and Landscaping works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Huntingdonshire Local Plan to 2036 (LP) was adopted on 15 May 2019 and now forms part of the development plan for the area. Accordingly, its policies now carry full weight.

Main Issues

3. The main issues in this appeal are the effects of the development on:
 - the character and appearance of the St Neots Conservation Area (CA);
 - the living conditions of the occupiers of No 47 Luke Street (No 47) as regards privacy and outlook; and
 - the living conditions of the future occupiers of Plot 4, as regards daylight.

Reasons

Character and appearance

4. The appeal site lies within the CA. I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to that desirability.

5. The Conservation Area Character Assessment explains that the Eynesbury Character Area of the CA, in which the appeal site is situated, was once a separate village that has been subsumed by the expansion of St Neots. The Assessment does not refer to the site in the detailed character analysis, but identifies Luke Street as part of an irregular network of streets.
6. I agree with the Inspector in the previous dismissed appeal¹ that within these streets many of the residential properties are period style terraced houses built close onto the highway resulting in a tight linear grain of development. However, this is tempered by a looser arrangement between the appeal site and Eynesbury Green with the development at Sandy Court being notable in divergence from the tight linear arrangement. I accept that the farmstead-style design responds to the historical agricultural nature of the village of Eynesbury and the use of the land for horticultural purposes until fairly recently. However, and notwithstanding the development at Sandy Court, the fact that the agrarian-style backland development would be experienced through access from an area characterised by highly urban terraced housing on Luke Street would make it appear both starkly incongruous and contrived within its setting.
7. The development would also appear cramped due to the limited amount of space around the buildings because of the scale and number of dwellings proposed, and associated parking provision, relative to the usable space available in the irregularly shaped parcel of land. This lack of space would unsatisfactorily limit the amount of soft landscaping to balance against the amount of hardstanding proposed. Further, the north elevation of plot 1 and the long east facing elevation of the building on plots 4-8 would be very prominent upon entering the site and that would exacerbate a sense of overdevelopment by built-form which would be insufficiently balanced by an appropriate level of space and soft landscaping.
8. While I accept that there are examples of successful mews-style developments in the Council's Design Guide Supplementary Planning Document (SPD) which exhibit significant amounts of hardstanding, the appeal site's position adjacent to the long gardens of Luke Street properties to the west would cause the level of hardstanding and built-form proposed to appear jarring with the local verdant and open character.
9. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), whilst the harm caused to the significance of the CA would be less than substantial, it is a matter of considerable weight and importance. The proposal would provide 8 homes and deliver employment and economic benefits associated with their construction, but these public benefits do not outweigh the harm.
10. I conclude the proposal would fail to preserve the character or appearance of the CA, and would cause less than substantial harm to its significance as a designated asset. The public benefits do not outweigh this harm and the proposal is therefore contrary to Policies LP2, LP11, LP12, LP34 of the LP, supported by the SPD, and Policy A3 of the St Neots Neighbourhood Plan 2014-2029 (2016) which together seek to ensure that proposals are of good design and protect the character and appearance of places, including conservation areas. The proposal is also contrary to the heritage protection and design principles of the Framework.

¹ APP/H0520/W/17/3178014. Decision date: 9th November 2017.

Living conditions, No 47

11. The appeal proposal would replace single-storey redundant commercial structures, which have no windows at first floor level, with a barn-style block of 5 dwellings (plots 4-8) with 10 windows at first floor level facing west over quite short rear gardens towards the long rear garden of No 47. Notwithstanding that there would be screening of views towards the house at No 47 by its own outbuilding and the car barn of the appeal proposal, overlooking from a considerable number of reasonably close new windows onto its rear garden and for a significant portion of its length would cause a significant loss of privacy to the occupiers of No 47.
12. The length and height of the proposed barn-style block, built close to and extending for a significant length of No 47's rear garden, would appear as overbearing and oppressive from the garden of that property and would significantly harm the outlook of its occupiers.
13. For the above reasons, the proposed development would cause significant harm to the living conditions of the occupiers of No 47 as regards privacy and outlook. As such it is in conflict with Policy LP14 of the LP, as supported by the SPD, which seeks to protect the amenity of occupiers. It is also in conflict with paragraph 127 of the Framework which seeks a high standard of amenity for existing and future users.

Living conditions, Plot 4

14. The private amenity space and kitchen of plot 4 would be significantly shaded by the high gable end of plot 3 close to the south. This would create dull and gloomy conditions in the garden and kitchen of plot 4 at times during the day, which would significantly harm the use and enjoyment of those parts of the property and the living conditions of the occupiers. The appellant has said that the private amenity space is in excess of that enjoyed at many of the homes in Luke Street and that the east-west alignment of the terraces means that every property on the north side of the road would see its rear garden in near constant shade. However, neither diminishes the harm that the proposal would cause. In any respect, I note that many gardens to the rear of properties to the north side of Luke Street in the vicinity of the appeal site are materially larger than the plot 4 amenity space.
15. For the above reasons, the proposed development would cause significant harm to the living conditions of the future occupiers of plot 4 as regards daylight. As such it is in conflict with Policy LP14 of the LP, as supported by the SPD, which seeks to protect the amenity of occupiers. It is also in conflict with paragraph 127 of the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

16. The proposal would create 8 accessible, energy-efficient homes on previously developed land within a settlement area. The two existing but separate, fairly restricted, vehicular access points serving both the appeal site and the neighbouring residential development would be replaced by one single compliant access. However, these benefits of moderate weight do not outweigh the significant harm to living conditions or to the CA.

17. The appellants have submitted a Unilateral Undertaking (UU) relating to a wheeled bin contribution. As the appeal is being dismissed for reasons relating to the main issues, it is not necessary to consider the UU any further.
18. As the appeal has failed on the main issues, it has not been necessary to address concerns raised by neighbours regarding highway safety and the effect on their living conditions as regards the proposed Plot 2 dwelling.

Conclusion

19. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Andrew Walker

INSPECTOR