
Appeal Decisions

Site visit made on 3 September 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2019

Appeal A Ref: APP/W0530/W/19/3231580

36 South End, Bassingbourn Cum Kneesworth SG8 5NJ

- 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 Dean Holmes on behalf of The Ely Planning Company against the decision of South Cambridgeshire District Council.
 - The application Ref S/1227/18/FL, dated 16 March 2018, was refused by notice dated 21 December 2018.
 - The development proposed is described as: Demolish existing caretakers' home at 36 South End, Bassingbourn and replace with 4No. dwellings utilising previously approved access on neighbouring site Ref: S/0331/15/FUL.
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Appeal B Ref: APP/ W0530/W/19/3231811

36 South End, Bassingbourn Cum Kneesworth SG8 5NJ

- 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 Dean Holmes on behalf of The Ely Planning Company against the decision of South Cambridgeshire District Council.
 - The application Ref S/0408/19/FL, dated 30 January 2019, was refused by notice dated 31 May 2019.
 - The development proposed is described as: Demolish existing caretakers' home at 36 South End, Bassingbourn and replace with 4No. Dwellings utilising previously approved access on neighbouring site Ref: S/0331/15/FUL.
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Decisions

1. **Appeal A:** the appeal is dismissed.
2. **Appeal B:** the appeal is dismissed.

Procedural Matters

3. As set out above, there are two appeals on this site. Both relate to demolition of the caretaker's home and the erection of two pairs of semi-detached dwellings. The proposals differ primarily in the design, siting, width and height of the dwellings. I have considered each proposal on its individual merits, however, to avoid duplication I have dealt with the two together, except where otherwise indicated.
4. In respect of Appeal A, the proposal was amended following submission to the Council but prior to the determination of the application. The amendments, shown on revised plans, alter the orientation of the new dwellings so that all four dwellings would face towards the new access road. The drawings originally

submitted were orientated so that the gable ends of the buildings would be facing towards the access road. I am satisfied that the amendments do not materially change the proposal and that no party would be prejudiced were I to take them into account. As such, I have determined the appeal on the basis of the amended scheme.

5. The final reason for refusal (No 6) for both appeals refers to two trees. One a Tree Preservation Order (TPO) Lime tree¹, the other a mature Ash tree. However, the Ash tree had been removed prior to my site visit. There is no substantive evidence before me regarding the removal of this tree and whether it was carried out lawfully. Therefore, my assessment relates solely to the effect of the proposals on the protected TPO Lime tree.
6. The decision notice also refers to an earlier planning permission² for ten dwellings and garages at 26 South End, following demolition of existing dwelling. I have been provided with details of this previous permission including the floor plans and elevations for this development as part of this appeal to enable me to consider the relationships between the respective developments. I am therefore satisfied that I have a full appreciation of the issues. At the time of my site visit, development had commenced for the redevelopment of this wider site. This is important given that there is firm commitment to the development of the wider site being built out as approved.
7. Similar to Appeal A, the Council's fifth reason for refusal for Appeal B raises an objection that the proposed bedrooms at second floor level within the roof of the proposed dwellings are only served by roof lights, with no windows. Therefore, the Council contend that both appeals A and B would result in poor outlook for future occupiers of the proposed dwellings. However, under Appeal B, no bedrooms are shown on the proposed plans at second floor level within the roof. As such, it is therefore only necessary to consider this issue with regards to Appeal A.

Main Issues

8. The main issues in both appeals are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Bassingbourn Conservation Area (CA) and whether the proposed development would preserve the setting the Grade II listed New United Reformed Church;
 - The effect of the proposal on the living conditions for future occupiers of the neighbouring Plots 1 and 2 of the wider development, approved under Council Ref: S/0331/15/FL, with particular regard to privacy.
9. With regard to Appeal A there is also an additional main issue:
 - The effect of the proposal on the living conditions for future occupiers of the new dwellings, with particular regard to outlook.

¹ Protected under TPO 0038 -2003

² Council Ref: S/0331/15/FL approved on 12 September 2017

Reasons

Heritage assets

10. The appeal site, No 36 South End, which was formerly the caretakers house, forms part of a wider development of 26 South End which has planning consent for the erection of ten dwellings and garages, following demolition of existing dwelling³. The appeal site comprises Plot 10 of the approved scheme, where planning permission was granted for a single bungalow. The site lies within the CA and the proposals for two pairs of semi-detached dwellings would be positioned to the rear of the adjacent early C19 Grade II listed New United Reformed Church.
11. With regards to the effect on the designated heritage assets, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
12. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
13. During my site visit I observed that this part of the CA, moving away from the centre of the village, is characterised by more scattered buildings glimpsed through mature trees and vegetation, which are an important landscape feature. The open space of the recreation ground on the opposite side of the road also contributes to the open, verdant, leafy and spatial qualities of this part of the CA. Whilst the full extent of the appeal site, together with the wider development at No 26 (which has commenced) is largely screened from public view, it makes a positive contribution to the pattern of development in this part of the CA through its sense of openness, together with its mature trees and vegetation visible from South End. There is also a protected mature Lime tree in close proximity to Plot 4 of the proposed dwellings. This protected tree is visible from the public realm, and neighbouring sites including the Grade II listed New United Reformed Church, such that it also makes a positive contribution to the character and appearance of the CA.
14. There is also rich mix of historic buildings and traditional materials which make a positive contribution to the significance of the CA. These materials include sash windows, red bricks, render, plain tiles and slate steeply pitched roofs,

³ Council Ref: S/0331/15/FL approved on 12 September 2017

and a small number of thatched roofs. The immediately adjacent early C19 Grade II listed New United Reformed Church is described in the listing description as a 'small chapel' and is a rendered timber-framed building. The listing description also explains that the single storey building has painted 'Hitch' brick, with arched windows with leaded lights and a slate roof. The significance of the listed building stems from its architectural interest with its low height and modest scale, and makes a positive contribution to the character and appearance of this part of the CA.

15. Under the approved scheme, the development retained much of the mature trees and vegetation which is an important part of the character and significance of the CA, and the setting of the adjacent listed church. Furthermore, nine of the approved dwellings were positioned towards the rear parts of the site, with a single dwelling approved close to the entrance of the site. This resulted in an informal layout with the majority of the development largely screened from public vantage points, where only 'glimpses' of buildings would be provided rather than views of a suburban style housing estate. Furthermore, a reasonable separation distance was maintained between the approved dwellings and the Grade II listed church, where plot 10 of the approved scheme comprised a single bungalow. As such the approved scheme preserved the character and appearance of the CA and the setting of the adjacent Grade II listed church.
16. The current proposals would both comprise two pairs of semi-detached houses. In Appeal A, the two sets of semi-detached plots are mirrored, with each of the properties featuring an 'oak framed glazed entrance lobby' which is the main focal point of the front elevation. In Appeal B, the design has been altered so that the pair of semi-detached dwellings appear like two larger single dwellings. The oak framed glazed entrance lobby' has also been omitted from Appeal B and replaced with the introduction of two feature gables with a more traditional entrance and canopy. The overall height of the dwellings has also been reduced by 950mm⁴ with also a slight reduction in the width of each property in Appeal B, so that the proposed dwellings would match the height of the existing ridge height of the caretaker's home (to be demolished). In Appeal B, the overall space between plots 2 and 3 would be increased.
17. However, despite these positive alterations proposed to the design of the dwellings, both schemes would nevertheless increase scale and bulk of the development closer towards the frontage of the site. The height of the approved development would also be increased from a single storey building previously approved to a pair of two storey semi-detached properties. The proposal would undermine the positive aspects of the approved scheme, which provided a more open and verdant feel to the development of this site, in keeping with its existing character. The current proposals in contrast would have an increased urbanising effect on the site which would have a harmful impact on the street scene.
18. Both proposals would cover a significant proportion of the appeal site, and introduce a considerable amount of built form, when combined with paved areas and areas off-street parking. This would harmfully reduce the existing sense of openness of the site. Consequently, the proposals would harmfully

⁴ Measurements taken from proposed drawings.

reduce the contribution the site makes towards the open, verdant, leafy and spatial qualities of the CA. The proposed layouts would not respond positively to local character or would be effectively integrated into the remainder of the approved scheme. As a result, the current proposals would appear to be at odds to the spacious layout of the approved scheme, unrelated to the surrounding street scene. The developments would be a poor quality design which would fail to respect or enhance the character or appearance of the CA.

19. The current proposals would both have the additional harmful effect of increasing the scale and bulk of the development closer to the adjacent Grade II listed New United Reformed Church. The significance of the church stems from its architectural interest with its modest height and scale. The proposed two storey flank wall of plot 1 would appear highly prominent and incongruous in the backdrop of this Grade II listed church. In this respect both proposals would undoubtedly dominate and harm the setting of the Grade II listed church due to their bulk, scale and proximity to it. It is not considered that the proposed tree planting would overcome the harm identified above, since these would not provide sufficient screen throughout the winter months of the year. In this respect, the proposals would not be sympathetic to local character and history, including the surrounding built environment and landscape setting, as advocated by the Framework.
20. Furthermore, in both appeals, the proposed development would be within the root protection area (RPA) of the protected Lime tree. The Council has raised concerns that the driveway, paving and building would result in a substantial encroachment within the RPA. The appellant's Arboricultural Implications Assessment and Method statement⁵ (Tree Report) states that there would be an overall net reduction of incursion within the RPA when compared to the approved scheme. It further states that the driveway would be constructed over the existing ground level and therefore root severance would be avoided. Furthermore, the existing the school outbuilding would be removed as part of the proposals which would represent an improvement in the amount of ground available to the tree. The Tree Report thus concludes that the current proposals would have less of an impact than those works already consented under the approved scheme. Therefore, based on the evidence before me, including the fallback position, and subject to the tree protection measures outlined within the Tree Report I find the proposal would result in no greater harm to the RPA of the protected Lime tree than the approved scheme.
21. The Council also consider that the proposed parking spaces/garage for plot 4, located under/adjacent to the tree canopy of the Lime tree would result in potential future conflict with honeydew dripping from this tree. The Council contend that this would result in future pressure from future occupiers of the development to remove this protected tree.
22. With regards to Appeal A, given the size of the tree canopy and their proximity to the proposed dwelling and off-street parking spaces, it seems to me likely that there would be the potential for honeydew dripping on to parked vehicles within this area, which would result in future conflict and pressure for the removal of this tree. Consequently, the potential loss of the tree would have a harmful effect on the character and appearance of the CA. However, I note that

⁵ Prepared by Andrew Belson Arboricultural Consultants

the proposed dwellings and off-street parking space in Appeal B would be sited further away from the tree canopy and would not have a harmful impact on the Lime tree, subject to appropriate maintenance and tree pruning works, which could be secured by condition.

23. With regards to Appeal A, the Council also raises a concern that Plot 4 includes a chimney located close to the crown of the protected Lime tree, which would result in a potential conflict. Given the location of the chimney and its proximity to the Lime tree, it appears to me likely that there would be the potential for conflict. In the absence of sufficiently compelling evidence to the contrary, I consider it reasonable to determine that the proposed chimney would likely threaten the health and longevity of the Lime tree, which would have a harmful effect on the character and appearance of the CA.
24. Considering all of the above, despite the location of the site set back from the road, I find both appeals would result in an incongruous form of development in the streetscene, that would harm the character and appearance of the CA and the setting of the adjacent listed church. It would not respond to local character and history or reflect the identity of the surroundings as advocated by the Framework.
25. In the terms of the Framework and paragraph 196, the harm that the proposal would cause to the significance of the designated heritage asset, that is the CA and the adjacent Grade II listed Church, would amount to less than substantial harm. Accordingly, this should be weighed against the public benefits of the proposal.
26. The proposal would deliver three additional houses (above the consented scheme), within the development village of Bassingbourn which has a range of everyday shops and services, thereby making a small but positive contribution towards boosting the supply of housing in the area. The development would provide benefits in the short term through the construction period in addition to longer term benefits in terms of increased local spending levels once occupied. The appellant also contends that the development would introduce a greater mix of housing types in the area, thereby catering for a wider market of people looking for a new home such as first-time buyers, smaller families or young professionals. However, the harms identified above to the character and appearance of the CA and setting of the adjacent listed building would be such that each would not be outweighed by the benefits.
27. Concluding on this main issue, the proposed development would not preserve the setting of the adjacent Grade II listed New United Reformed Church and would fail to preserve or enhance the character or appearance of the CA. The development would also result in harm to the significance of this adjoining listed buildings and the CA. Therefore, it would not accord with Policies S/7, HQ/1 and NH/14 of the South Cambridgeshire Local Plan, 2018 (LP). Amongst other things, these require all new development to be of high quality design, preserve or enhance the character of the local urban and rural area and conserve or enhance important natural and historic assets and their setting.
28. It would also conflict with the relevant requirement of the Framework which seeks to conserve and enhance the historic environment. Finally, it would not preserve the setting of the nearby listed buildings as required by Section 66(1) of the Act or preserve or enhance the character or appearance of the conservation area as required by Section 72(1) of the Act. Instead the

proposals would be harmful to these designated heritage assets. This carries considerable weight and importance to my decision.

The living conditions for future occupiers of the neighbouring Plots 1 and 2 of the wider development - Privacy

29. With regards to privacy, the rear gardens of plots 1 and 2 of the approved scheme would be located opposite the proposed new dwellings which contains several windows in the front elevation at first floor level in both appeals. The elevated position of the proposed first floor windows coupled with the lack of sufficient screening would result in significant and intrusive overlooking to future occupiers of neighbouring plots 1 and 2. This would be harmful to their living conditions.
30. The above harm to living conditions would conflict with the Framework and Policy HQ/1 of the LP which amongst other things, requires the protection of amenity of surrounding occupiers from the development.

The living conditions for future occupiers of the new dwellings - Outlook.

31. With regard to Appeal A the Council have raised an objection that the proposed bedrooms at second floor level within the loft space which would be served by rooflights would result in poor outlook for future occupiers of the proposed dwellings. Each of the proposed new dwellings would benefit from a number of habitable rooms and bedrooms at ground first floor level which would have good levels of light and outlook. Furthermore, the proposed second floor bedrooms would benefit from a number of rooflights which would provide acceptable levels of light for its intended use. As such, the proposed dwellings would not feel oppressive to future occupiers.
32. I therefore conclude that proposal would provide future occupiers of the proposed dwellings with satisfactory living conditions with regard to outlook. In this respect the proposal would accord with the Framework and Policy HQ/1 of the LP which together requires a high standard of amenity for future users. However, this is just one matter in the overall assessment of the proposal and does not alter my judgement set out earlier.

Conclusion

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

Rajeevan Satheesan

INSPECTOR