



Appeal Decision

Site visit made on 17 September 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/H0520/W/19/3229402

Mill Farm Cottage, Mill Road, Wistow, Huntington, Cambs PE28 2QQ

- 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 Garnet Benson against the decision of Huntingdonshire District Council.
 - The application Ref 19/00093/FUL, dated 17 January 2019, was refused by notice dated 11 April 2019.
 - The development proposed is to build a 2 bedroom cottage bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application the Council has adopted the Huntingdonshire Local Plan to 2036 (May 2019) (LP). The Council has advised that the Saved Policies of the Huntingdonshire Local Plan 1995 and the Huntingdonshire Core Strategy 2009 has now been replaced by the Policies of the new LP. The main parties have had opportunity to provide comments on the appeal following the adoption of the new LP. I have therefore considered the development against the relevant policies of the new LP.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the setting of the adjacent Grade II listed building at Nos. 1 and 2 Mill Farmhouse and the character and appearance of the Wistow Conservation Area;
 - (ii) the existing trees on the site;
 - (iii) the living conditions of the occupiers of the neighbouring property at Millcroft with particular regard to outlook; and
 - (iv) whether the proposal makes adequate provision for refuse collection.

Reasons

Setting of Listed Building and character and appearance of Conservation Area

4. The appeal site comprises an open parcel of land at the side of Mill Farm Cottage, a single storey detached dwelling on the southern edge of the village

of Wistow. The gardens of the two storey Grade II listed building at Nos. 1 and 2 Mill Farmhouse are located to the north-east of the site. The topography of the appeal site slopes towards and is elevated above the listed building at Nos. 1 and 2 Mill Farmhouse and Mill Road running along the north-western boundary of the site. The appeal site is set back from the road behind a grass verge, boundary wall and hedge and is separated from the listed building by a 1.8m high close boarded fence and a hedge.

5. A linear pattern of residential properties is located to the west and on the opposite side of the road with a range of bungalows and two storey properties of varying ages and styles. Where garages, outbuildings and other structures exist alongside and between the residential properties, these are very low, small in scale, 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 along the boundaries of the appeal site and within the surrounding gardens and open countryside.
6. The proposal would involve the construction of a detached single storey dwelling with an attached single garage and a driveway. The proposed dwelling would be set back from the road with vehicular access onto Mill Road. The external finish would be predominantly brick with a pitched tiled roof.
7. Whilst I recognise that the boundary treatment and vegetation provide some visual containment, the degree of visibility will vary according to the seasons. The scale and form of the proposed dwelling would nevertheless be substantial in this location. Although it would be set back, the proposed dwelling on what would be an atypically narrow plot, would compromise the sense of space and openness between the dwellings and appear as a visually cramped and incongruous addition that would fail to promote or reinforce the distinctive characteristic of the area. The subdivision of the narrow plot would not reflect the overall more spacious plot layouts of the properties along Mill Road. These shortcomings would be exacerbated by the proposal's prominent elevated position, which would be visible from a number of public vantage points along Mill Road and the reduction in the established vegetation along the front boundary of the site.
8. Given the location of the appeal site adjacent to the Grade II listed building at Nos. 1 and 2 Mill Farmhouse and within the Wistow Conservation Area (CA), special attention has to be paid to the desirability of preserving or enhancing the setting of the listed building and the character or appearance of the CA. The historic and architectural significance of the brick and white rendered listed building with its timber framed casement windows and old tiled pitched roofs can be appreciated from both outside as well as within the site.
9. Although the appeal site would be set back from the adjacent listed building, due to the open and elevated nature of the appeal site, the proposed development, by virtue of its scale, siting and layout, would fail to achieve an appropriate degree of subordination to the adjacent listed property and would adversely impact on the visual relationship between the listed building and the public highway running along the front of the site. In that context the proposal would be unacceptably dominant and out of character, having a negative material impact on its setting and, thereby, harming the significance of the

adjacent listed building. The setting of this building would therefore not be preserved.

10. I consider that the appeal scheme, by virtue of its scale, siting and design, would erode the existing character of this part of the CA and have a negative material impact on the verdant and undeveloped nature of the appeal site. The proposal would fail to preserve or enhance the CA.
11. Given the scale of the development, the harm would be less than substantial but in accordance with paragraph 196 of the National Planning Policy Framework 2019 (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 family dwelling to meet the local housing need and secure the optimum viable use of the under-utilised site. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.
12. I note the appellant's arguments regarding the previous planning history of the site and the existing conversion and subdivision of the buildings and plots at Mill Farmhouse and Mill Farm Cottage. However, these involved the conversion and redevelopment of the existing dwelling and outbuildings previously associated with Mill Farmhouse. The approved scheme for the conversion of the existing agricultural barns and erection of new dwellings on the land and buildings to the north-east of Mill Farm Cottage¹ is of a different scale and form to the appeal scheme and has a different inter-relationship with the listed building. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
13. I have considered the appellant's statement that the design and layout of the proposed dwelling has been carefully considered in order to minimise any impacts on adjacent dwellings and the area and would be in keeping with the other properties in the area. Whilst the use of materials and the retention and enhancement of the landscaping, including the Copper Beech tree on the frontage of the site, would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
14. Consequently, I conclude that the proposed development would have a harmful effect on the setting of the adjacent Grade II listed building at Nos. 1 and 2 Mill Farmhouse and the character and appearance of the CA. It would be contrary to the overall aims of LP Policies LP2, LP10, LP12, LP13 and LP36 that seek, amongst other things, to ensure that new developments conserve and enhance the historic environment and the significance of the designated heritage assets and their setting; and respond positively to site's context and the character of the immediate locality.

Trees

15. A Copper Beech and Robinia tree are situated along the front boundary of the site. These established trees make an important contribution to the open and verdant character and appearance of the CA.
16. The appellant's statement outlines that the appeal scheme would look to retain the established trees on the site. However, the proposed dwelling and

¹ 18/02449/FUL and 18/02450/LBC

associated works would be in close proximity to the trees on the site and in this respect, I am mindful of the objections received from the Council's Tree Officer. No tree survey nor substantive evidence has been submitted by the appellant to assess the impact of the proposed development on the trees.

17. In the absence of any convincing evidence to the contrary, given the importance of the trees, in particular the Copper Beech, to the visual amenity of the area, I conclude that the proposal would be contrary to the overall aims of LP Policies LP2, LP10, LP12 and LP33 that seek, amongst other things, to ensure that new developments conserve and enhance the historic environment, responds positively to site's context and the character of the immediate locality and demonstrates that the potential for adverse impacts on trees has been investigated.

Living conditions of the occupiers of the neighbouring properties

18. The proposal would be set back from the nearest windows to the habitable rooms at the side of the single storey dwelling at Mill Croft immediately to the west of the site. The proposed dwelling would be set back approximately 1m from the shared common boundary and the neighbouring property would be separated from the appeal site by a driveway, garden and a high boundary hedge running between the properties.
19. Whilst I accept that there would be some impact on the outlook of the neighbouring property, given the design and layout of the proposed dwelling, boundary treatment and the separation distance between the properties, I consider that the proposal would not cause significant harm to the outlook from the neighbouring property, nor dominate the views to cause an overbearing impact in the rooms at the side of Mill Croft.
20. Consequently, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring property at Mill Croft with particular regard to outlook. The proposal would accord with the overall amenity aims of LP Policy LP15 that seeks, amongst other things, to ensure that proposed development would provide a high standard of amenity for occupiers of neighbouring land and buildings.

Refuse collection

21. The Council's Developer Contributions Supplementary Planning Document 2011 (SPD) states that all residential development will need to provide and contribute towards waste storage containers (wheeled bins). LP Policy LP4 indicates that a contribution towards such waste facilities will be sought through a planning obligation on all new development, in form of a unilateral undertaking. Such an undertaking would be appropriate in this case.
22. I note that the refuse storage facilities are shown on the submitted plans and the appellant's planning application and appeal statement indicate that such facilities would be made available for the proposed development. However, from the evidence before me, no unilateral undertaking has been submitted to deal with the required contribution towards waste disposal measures.
23. Consequently, I conclude that the proposal fails to make adequate provision for refuse collection and as a result fails to comply with LP Policy LP4 and the SPD.

Other Matters

24. I note the appellant's comments regarding the redevelopment and rebuilding of the listed building at Nos. 1 and 2 Mill Farmhouse. However, it is not for me, under a Section 78 Appeal to determine the Listed Building status of this building. To that end it is open to the appellant to apply to Historic England for a determination on its status.
25. I have considered the appellant's comments regarding the additional agricultural land incorporated into the appeal site area and the changes to the village development boundary. Whilst this maybe so, this does not set a precedent for such an inappropriate development in this location and as such, is a matter to which I can attach only limited weight in making this decision.
26. I have noted the issues raised by the appellant regarding the communications by the Council and the way in which the application was processed by the Council. However, these are not a material consideration to which I can attach significant weight in making this decision.
27. I have considered the various benefits put forward by the appellant that the proposal would bring, including providing an additional dwelling to boost the housing supply and would make use of a site that is currently underused. However, the adverse harm outlined above outweighs the benefits identified in this case and there are other means of tidying up the site without the need to construct such an inappropriate residential development. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

28. Notwithstanding my findings on the lack of harm to the living conditions of the neighbouring property this is significantly outweighed by the harm I have identified. The proposal would conflict with the development plan and the Framework taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR