



Appeal Decision

Site visit made on 27 July 2020

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2020

Appeal Ref: APP/H0520/W/20/3250026

12-16 Fen Street, Stilton PE7 3RJ

- 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 Mrs Worthington's Charity Trustees against the decision of Huntingdonshire District Council.
 - The application Ref 19/02221/FUL, dated 4 November 2019, was refused by notice dated 18 March 2020.
 - The development proposed is erection of 2no. additional almshouses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the setting and significance of the existing almshouses and on the setting of the Grade II Listed barn and dwelling at 8 Fen Street;
 - the living conditions of the occupiers of 23 & 25 Fen Street having particular regard to privacy.

Reasons

Effect on existing almshouses and 8 Fen Street

3. The appeal site comprises a communal garden area positioned adjacent to a row of single storey almshouses which it serves. The almshouses were constructed in 1868 in a gothic style and the frontage of the almshouse building remains largely intact with the exception of the insertion of upvc windows and alterations to the entrance porches. Nevertheless, the architectural form and traditional appearance of the almshouses is such that I consider the building to be a non-designated heritage asset, notwithstanding that it does not appear that the Council has formally identified the building on a local list.
4. The garden area serving the almshouses is set back from the road behind a wide grass verge and is enclosed by an attractive low wall and railings to the front which runs in line with the front elevation of the almshouses. The end gable of the almshouses is positioned to one side of the garden with the other side boundary being partly formed by the side gable of a small single storey detached barn associated with the Grade II Listed Building at 8 Fen Street.

The historic garden area is an attractive green space which provides a spacious setting for the two buildings to either side of it and contributes to the significance of these heritage assets.

5. Although the proposed dwellings would be of a similar scale and design to the existing almshouses, the proposal would result in the complete loss of the existing garden area and front boundary wall and gated entrance. It would result in built development very close to the almshouses and barn and although a gap would be provided to either side of the dwellings, this would be reasonably narrow and would be to form an off-road parking space for each dwelling. The scale and layout of the proposal is such that it would enclose the space around the buildings to either side of the site and this would be harmful to their setting and significance.
6. The harm to the significance of the listed building that would result from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the listed building in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. With regard to non-designated heritage assets, paragraph 197 states that a balanced judgement will be required having regard to the scale of any harm and loss and the significance of the heritage asset.
7. The proposal would provide some economic and social benefits to the area resulting from the construction of 2 additional dwellings that are intended to provide affordable private rented accommodation for local residents. The design of the dwellings is such that they would provide for carers accommodation if required. However, even if a mechanism could be put in place to ensure that the dwellings were for local need only, any public benefits of the proposal would not be significant enough to outweigh the harm to the designated heritage asset identified or to overcome the harm that would result to the non-designated heritage asset.
8. In reaching my decision I note the appellant's comments in respect of the architectural quality and setting of the listed building at 8 Fen Street. However, whilst the proposed dwellings are not immediately adject to the dwelling itself, they would be adjacent to the detached barn to No 8, the setting of which would be harmed by the proposal for the reasons stated above.
9. Taking the above matters into consideration, I conclude that the proposal would have a harmful effect on the setting and significance of the existing almshouses and on the setting of the Grade II Listed barn and dwelling at 8 Fen Street. It would not therefore meet the requirements of section 66 of the Act. For the same reasons it would not accord with policies LP2, LP9, LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 adopted May 2019 (LP) and to relevant paragraphs of the Framework which seek, amongst other things, to conserve and enhance the historic environment and to ensure that development is sustainable in relation to the effect on the character of the immediate locality.

Living conditions

10. This part of Fen Street contains a number of residential dwellings, most of which are set further back from the road than the existing and proposed almshouses. 23 & 25 Fen Street, a pair of semi-detached properties are located opposite the site, are also located close to the road and contain ground and first floor windows facing towards the site. These dwelling currently have an open outlook to the front, overlooking the garden area, with the front elevation of No 25 slightly overlapping the front elevation of the end almshouse at No 12. The Council states that the distance between the proposed dwellings and Nos 23 & 25 is 14 metres, whereas the appellant states the distance to be 15 metres.
11. The proposed dwellings contain ground floor living and bedroom windows and first floor rooflights serving bedrooms and bathrooms in the front elevation opposite Nos 23 & 25. Although the position of the proposed dwellings is such that that they would be offset from No 25, one dwelling would appear to be directly opposite No 23 at a close distance, much reduced from the facing distance of other properties along Fen Street. This would result in facing habitable room windows in close proximity to each other and a material loss of privacy to the occupiers of No 23 in particular. The impact on the privacy on No 25 would be less due to the offset position of the dwellings and would not in itself justify the refusal of the proposal.
12. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of 23 Fen Street having particular regard to privacy. It is therefore contrary to Policy LP14 of the LP, paragraph 127(f) of the Framework and to relevant guidance in the Huntingdonshire Design Guide Supplementary Planning Document 2017. These policies and this guidance seek, amongst other things, to ensure that proposals provide a high standard of amenity and that the physical relationships arising from the design and separation of buildings will not result in overlooking causing loss of privacy.

Other Matters

13. In reaching my decision I note that there is support for the proposal from the parish council and from a local councillor. I also note that the appellant states that the garden is unused and that the proposal would save the Trust the cost of maintaining it as well as generating new income from rental fees from the new dwellings. However, whilst the desire to create additional local needs housing is commendable and would bring some economic and social benefits as set out previously in my decision, these benefits together with the additional benefits stated above would not outweigh the harm that would result from the proposal.
14. The Council's third reason for refusal relates to inadequate provision for refuse (wheeled bins) by virtue of the omission of a completed unilateral undertaking (UU) for the provision of wheeled bins. A UU regarding wheeled bins has been submitted with the appeal and I am satisfied that were I minded to allow the appeal, this matter could either be addressed by the UU or by the imposition of a suitably worded planning condition.

Conclusion

15. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR