
Appeal Decision

Site visit made on 18 August 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 07 September 2020

Appeal Ref: APP/W0530/W/20/3250047

2A North Brook End, Steeple Morden, Royston SG8 0PG

- 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 Lighthouse Development Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/3624/19/FL, dated 15 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is the change of use of garage/gardeners store to a dwelling and external alterations to fenestration and doors.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal for residential use of the building would be a suitable reuse of a building in the countryside, including the effect on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 4 and 6 North Brook End in relation to noise, disturbance and privacy.

Reasons

Reuse of the building/character and appearance

3. The proposal is for the reuse of a simple, rectangular, single storey garage/gardeners store for residential use. The building lies in one corner of a good sized roughly square plot in a backland position behind Nos 4 and 6 North Brook End and to the side of No 2. These three properties, together with two more recently constructed within the garden of No 2, lie just outside the development framework of the village as defined by the South Cambridgeshire Local Plan 2018 (SCLP), and consequently in the countryside for planning policy purposes. As such, the proposal falls for consideration under Policy H/17 which deals with the reuse of buildings in the countryside for residential use.
4. The explanatory paragraph 7.63 refers to the district's rich heritage of agricultural buildings but goes on to refer to rural buildings more generally, and the policy itself includes no limitation as to previous use. The appeal building therefore falls within the remit of the policy, although the paragraph makes clear that not all buildings are suitable for conversion or adaptation as they

may be of insubstantial construction, of poor design, or not in keeping with their surroundings.

5. The policy contains five criteria that need to be satisfied. The first is that the building is unsuitable for employment use. Whilst no marketing exercise has been carried out, the appellant has submitted a comprehensive report from Carter Jonas which argues that the nature and condition of the building, the close proximity of residential property, lack of roadside presence and limiting access arrangements make it unsuitable either as a garage/workshop or for office use given the alternative premises available. This is fully persuasive. With no objection on highway grounds, the requirement for a safe vehicular access is also met. Three remaining criteria are therefore the most relevant.
6. The building was erected in the 1970s as a garage/workroom with rendered brickwork/blockwork walls and duopitched corrugated iron roof. The workroom was unlawfully fitted out as a dwelling early on and apparently occupied as such into the 1980s but this is of no relevance to this appeal. The building has now been unoccupied for some time and is in poor condition, both internally and externally, but given its materials and longevity it is plainly of permanent, substantial construction, not makeshift in nature, a prerequisite of the policy.
7. The relevant criterion goes further, requiring that the building is 'structurally sound'. This is left open to interpretation, and the appellant has submitted a three-page report from Gawn Associates which maintains that the main structural fabric is in a suitable condition for retention and repair. This is however based on a limited survey not including woodwork or unexposed parts of the structure, nor trial pits to establish the foundations and subsoil structure, nor the implications of new roofing, only stating this should be considered.
8. The report observes evidence of longer-term unevenness and cracking in the loadbearing external walls, probably attributable to comparatively shallow concrete foundations resting on shrinking clay subsoils, and notes the site contains numerous recently cut back tree stumps close to the perimeter walls. The removal of this vegetation should 'largely' prevent further structural movement from continued shrinkage, but this should include two large c15m high deciduous trees only 1m or so away from the building on the northern boundary of the site. The report concludes that the residual cracking can be made good, but that 'existing distortions will remain and should be regarded as an inherent feature of the premises'. Windows, doors, internal insulation, finishes and services would require substantial upgrading, but these are not structural elements.
9. Overall on the information available it would appear the building is sufficiently sound to be made habitable, albeit not necessarily with a new roof, but the large trees would need to be removed and it would remain a small, poor quality dwelling in many ways. However, no cost estimates are provided, and given the nature of the dwelling that would be created the scheme may not be viable or provide a satisfactory long-term unit of accommodation.
10. The immediate setting of the building would be altered by conversion of the current disused site into residential garden land. With residential properties on two sides and hedge boundaries to the north and east the site is screened from public view so its use as another garden would not be detrimental to the area. However, the removal of the two large trees on the northern boundary as a result of the scheme would cause visual harm to the setting as these are seen

on the northern approach to the village and contribute to the character of the area. Their removal would also open up the unattractive corrugated iron roof to wider view as its replacement is not a confirmed part of the scheme¹. The requirement for an enhancement to the setting is thus not met.

11. SCLP paragraph 7.63 states that buildings in the countryside may not be suitable for conversion if they are of poor design, and this explains the aim of criterion (d) which requires the form, bulk, design, landscaping and materials in any change of use scheme to be sensitive to the character and appearance of the locality. The proposal clearly fails this criterion, with the backland site, single storey building and red corrugated iron roof contrasting sharply with the frontage development, two storey form and grey/brown tile or slate roofs of the five houses in the group on the corner of North End Lane/Bogs Gap Lane.
12. For these reasons, the proposal meets some of the criteria in Policy H/17 but is found significantly wanting in respect of others. Since all of the criteria should be satisfied the scheme conflicts with the policy when considered as a whole. The proposal for residential use would not therefore represent a suitable reuse of this particular building in the countryside. In addition, the removal of two large trees of visual amenity value would harm the character and appearance of the area in conflict with Policy HQ/1 which requires development proposals to make a positive contribution to their local context.

Living conditions

13. Although not raised as a reason for refusal, the parties' views were sought on this matter following the site visit.
14. The site access lies between Nos 2 and 4 and has sufficient width and visibility at the highway boundary to not cause highway safety concerns. However, the access drive then passes the flank elevation of No 4 and its side facing ground floor window before narrowing at the rear corner of the property and opening out into an extensive hardstanding area in front of the double garage which is immediately behind and parallel to the rear boundaries of Nos 4 and 6.
15. The conversion of the building for residential purposes, even a small unit of accommodation, will generate regular vehicle and pedestrian movements alongside the flank wall of No 4 immediately outside the ground floor window. With little or no scope for any screening without obstructing the light entering or outlook from this window, this would result in a lack of privacy, noise and disturbance to the occupiers, including light from headlights when dark. In addition, the oblique angle of the side boundary of No 4 combined with the limited depth of the rear garden would mean that vehicle movements and turning manoeuvres towards and outside the double garage of the dwelling would inevitably be close to users of the rear garden and overlooked and overheard from the nearby rear facing bedroom windows of No 4. The same issues but to a lesser extent would affect the occupiers of No 6.
16. The use of the building as a garage/gardeners store detached from a dwelling is unlikely to generate the same number of vehicle and pedestrian movements as an established residential use. Having become unoccupied and overgrown the site appears to have only been in irregular use in recent years.

¹ Unlike external alterations to fenestration and doors when clarification was sought by the Council.

17. The appellant proposes that the car parking could be sited away from the rear fence, but this would only have a limited benefit and manoeuvring to use the double garage would still be likely. In addition, close boarded acoustic fencing and a shrub screen could be erected along the common boundary with Nos 4 and 6, but this would not screen noise and disturbance from the rear facing first floor windows of either house or the side facing window of No 4.
18. For these reasons the proposal would have a significantly adverse effect on the living conditions of the occupiers of No 4 and to a lesser extent No 6 North Brook End in relation to noise and disturbance arising from vehicle activity and a loss of privacy in relation to the side window of No 4. This would conflict with Policy HQ/1 which requires development proposals to protect the amenity of occupiers and surrounding uses.

Conclusion

19. The proposal would provide an additional small unit of accommodation which would contribute towards local housing needs and have social and economic benefits for the area. However, these material considerations do not outweigh the conflict with the development plan which has been identified under the main issues. The appeal should therefore be dismissed.

David Reed

INSPECTOR