



Appeal Decision

Site visit made on 21 July 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2020

Appeal Ref: APP/H0520/W/20/3251973

Land at and including 18 Station Road, Ramsey PE26 1JB

- 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 & Mrs M Day against the decision of Huntingdonshire District Council.
 - The application Ref 19/02286/FUL, dated 30 October 2019, was refused by notice dated 9 April 2020.
 - The development proposed is described as the "erection of a single chalet bungalow".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site has been the subject of a previous appeal¹ (the previous appeal) for the erection of four semi-detached dwellings. I have had regard to this appeal decision insofar as it is relevant to the appeal before me.
3. The Council's decision notice refers to the failure of the appellant to provide a completed unilateral undertaking (UU) to provide the required financial contributions towards wheeled bin provision for the development. The appellant has subsequently provided a completed UU as part of their appeal submissions which deals with this particular matter.

Main Issues

4. The main issues are:
 - whether the development would preserve or enhance the setting of the Ramsey Conservation Area;
 - the effect of the development on the character and appearance of the area; and,
 - the effect of the development on the living conditions of adjoining occupiers with particular regard to its impact on the occupiers of 16a Station Road.

Reasons

Conservation Area

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of

¹ APP/H0520/A/10/2142304 dated 30 March 2011

preserving or enhancing the character or appearance of a Conservation Area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.

6. The site lies outside but adjacent to the Ramsey Conservation Area (RCA), and thus is within the setting of a designated heritage. The National Planning Policy Framework (the Framework) states that the significance of an asset derives not only from its physical presence, but also from its setting and defines this as the surroundings in which the heritage asset is experienced.
7. The appeal site forms part of the rear garden of the host property. The site has a single access which leads to a double garage and a garden to its side and rear which has been divided into two parts which the appellant describes as a residential garden and a further area that contains a commercial workshop and offices that are being used by the family's landscaping business. The proposal seeks to sever the rear garden area from the existing dwelling and erect a chalet style bungalow with parking and turning areas and a private garden. The existing dwelling would retain a garden area immediately adjacent to the rear of the building and the double garage where parking would also be provided.
8. The area directly to the rear of the appeal site is part of a school playing field and provides views across the RCA, which at this point has an open and spacious character which is reflected in the Ramsey Conservation Area Character Assessment 2005 which states that the urban form becomes more spacious in the areas of later development, with Station Road marking the transition between the medieval and suburban developments outside the core of the town.
9. The form of development surrounding the playing field generally benefits from large gardens with dwellings and other residential development which are set back and contribute to the area's openness. Although I accept that there is a degree of variation in plot sizes and widths across the area, on the whole there nonetheless remains an absence of development within the garden areas of Station Road that back onto the RCA. This retained area of openness is a positive spatial characteristic that contributes towards the setting of the RCA and to allow its erosion would result in an adverse impact on the existing openness of the appeal site, and the Conservation Area.
10. Furthermore, it is clear that the RCA possesses a special interest which is conducive with its designation as a heritage asset, and despite the introduction of a half-hipped roof on the proposed dwelling and its description as a chalet style bungalow, the proposal still represents a very large building that would be visible beyond the double garage. Moreover, I am not persuaded that the removal of the existing low level hedge and gates along with the single storey sheds would open up views across the RCA to such an extent that it would compensate for the harm to the setting of the RCA as a result of the proposed dwelling. Thus, the proposed development would reduce the openness, detract from its significance and fail to preserve or enhance the RCA.
11. Given the size of the RCA, I find the harm identified to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal, including securing its optimum viable use.

12. Although the harm is less than substantial it should not be treated as a less than substantial objection to the proposal. Any public benefits have to be balanced against the great weight that the Framework states should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.
13. In respect of public benefits, I accept that the provision of an additional dwelling would make a very limited contribution towards the housing supply and need of the area, and that there would also be some economic and social benefits related to the development, and the future occupation of the dwellings. I also acknowledge that the development would see the removal of the commercial activities from the site. However, I am not persuaded that these matters represent any more than a limited public benefit which would be insufficient to outweigh the otherwise identified harm and the great weight the Framework requires is given to the asset's conservation.
14. Thus, the development would be in conflict with paragraph 196 of the Framework and Policies LP 2 and LP 34 of the Huntingdonshire District Council Local Plan to 2036 (the Local Plan) which seek, amongst other things, to ensure that developments within, affecting the setting of, or affecting views into or out of, a conservation area preserve, and wherever possible enhance, features that contribute positively to the area's character, appearance and setting as set out in character statements or other applicable documents.

Character and Appearance

15. The appeal site forms the rear garden of the host property which contains various structures such as sheds, garaging and outbuildings. The land is mainly laid to grass and bound to its neighbours with timber fencing and by a chain link fence and hedging to the rear. The area is generally residential in character and consists of dwellings of various size and design that are mainly detached and semi-detached two storey dwellings arranged in a linear manner along Station Road and the surrounding street network. On the whole, gardens to the rear of properties tend to be undeveloped, containing domestic structures such as sheds and other outbuildings.
16. The proposal seeks to erect a single, chalet style bungalow to the rear of the existing dwelling, which would be retained along with its current access arrangement adjacent to the property. The land that is currently used as part of the appellants landscaping business would be reconfigured to create a drive and garden area for the new dwelling. However, notwithstanding its single storey scale, the proposal would create an in-depth development that would fail to integrate with the predominant development pattern of linear built form along Station Road and would be out of keeping with the vast majority of development within the vicinity.
17. Furthermore, the development of the site would deprive the host property of much of its rear garden which would contrast with other properties within the vicinity which, on the whole, have deep and spacious rear gardens. Moreover, the proposed dwelling would be poorly integrated into the surrounding pattern of development and would fail to readily replicate, or form a coherent pattern

of development with that which currently exists in the vicinity, which would be clearly visible from surrounding properties.

18. Thus, the proposal would result in harm to the character and appearance of the area. It would be in conflict with Policies LP 11 and LP 12 of the Local Plan, the Huntingdonshire District Council Design Guide Supplementary Planning Document 2017 (the SPD) which seek, amongst other things, to ensure that developments respond positively to its context and area's character and identity. The proposal would also conflict with the principles of the guidance in the National Design Guide 2019 which sets out the fundamentals for good design.

Living Conditions

19. The proposed dwelling would be sited some 2m from the shared boundary with 16A Station Road. The Council state that in developing so close to the boundary would result in a development that would impact on the residential amenity area of 16A Station Road as a result of its overbearing impact to its rear amenity area.
20. The garden area of 16A is open and abuts an existing fence that separates the appeal site from the appeal site. The proposed dwelling has been positioned so that it is located away from the shared boundary and notwithstanding the overall height of the proposed dwelling, given the separation distance and its orientation in relation to the neighbouring garden area, I am not persuaded that the development would amount to an imposing development that would harm the outlook the occupiers currently enjoy to an unacceptable level. Thus, the proposal would not represent an overbearing development that would result in harm to the living conditions of the adjoining occupier to a significant degree.
21. Thus, the development would not result in material harm to the living conditions of adjoining occupiers. It would not be in conflict with Policy LP14 of the Local Plan, the SPD and paragraph 127 of the Framework which seek, amongst other things, to ensure that developments provide a high standard of amenity for occupiers of neighbouring land and buildings.

Other matters

22. The appellant states that the commercial area to the rear of the property represents previously developed land (PDL) and as such, it is a "*sequentially preferable location for new development*". However, the vast majority of the development, especially the location of the new dwelling, would be on the land that currently forms the rear garden area of the existing dwelling. As such, while noting the benefits in reusing PDL and making effective use of land, the Framework² specifically excludes land in built-up areas such as residential gardens from the definition of PDL.
23. The appellant also states that should this appeal fail then the commercial element of the site would be marketed for a new user which could result in noise and disturbance for adjoining occupiers. However, I have not been provided with any substantive evidence that the use of the site for commercial operations would affect the living conditions of adjoining occupiers. Moreover,

² Annex 2: Glossary of the Framework

if such activities did result in harm to surrounding properties through noise and disturbance, the Council has powers to investigate and deal with such matters.

24. The appellant refers to a development of a chalet bungalow on the opposite side of the playing field on Blenheim Road. Although the Council commented on this site, I do not have full details of this scheme or the background to the decision, other than it was approved before the adoption of the current Local Plan and therefore, the decision to approve the development was made under a different policy context. Thus, while I acknowledge that this type of in-depth development exists in the vicinity, it does not reflect the majority of the layout of development within Ramsey and does not set an irresistible precedent to find in favour of a proposal that is otherwise harmful.
25. I acknowledge that, despite its spatial shortcomings, the design of the dwelling is acceptable and that suitable materials could be employed. I also accept that the Town Council did not object to the development, that the site is close to the services and amenities available within Ramsey and that the development would seek to boost the supply of housing in the area. However, neither this nor any other material consideration that has been advanced outweighs the harm that I have identified above.

Conclusion

26. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR