



Appeal Decisions

Site visit made on 4 August 2020

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2020

Appeal A: APP/W0530/C/3245083

Elmwood House, 13A High Street, Croxton, Cambridgeshire PE19 6SX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ross Gibson against an enforcement notice issued by South Cambridgeshire District Council.
- The enforcement notice, numbered S/0865/19/FL, SCD-ENF-0621-19, was issued on 18 December 2019.
- The breach of planning control as alleged in the notice is, without planning permission, construction of a double garage and new single storey extension link to the front of the property.
- The requirements of the notice are (1) Demolish the double garage and new single storey extension link to the front of the property; and (2) Remove materials resulting from the demolition from the land.
- The period for compliance with the requirements is within 3 months following the date the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal succeeds in part on ground (f) and the enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decision. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: APP/W0530/D/3245058

Elmwood House, 13A High Street, Croxton, Cambridgeshire PE19 6SX

- 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 Ross Gibson against the decision of South Cambridgeshire District Council.
- The application Ref S/0865/19/FL, dated 2 March 2019, was refused by notice dated 16 December 2019.
- The development proposed is double garage and new single storey extension link to the front of the property.

Summary of Decision: The appeal is dismissed.

Preliminary matters

1. I have considered Appeal A on the understanding that the date on the notice, 18 December 2020, is an error and that it was issued on 18 December 2019. As a valid appeal has been made, the error has not caused injustice and the notice can be corrected accordingly.

2. Appeal B seeks planning permission for development already carried out and I have adopted the concise description of development from the Council's decision rather than the fuller description given in the application form.
3. The reasons for issuing the notice in Appeal A and for the refusal of planning permission in Appeal B both refer to the removal of a hedgerow and tree to the front of the site and their replacement with a brick wall. However, these matters do not form part of the alleged breach of planning control or the description of development and are not shown on the submitted plans. I have therefore not considered them.

Appeals A and B – the appeal on ground (a) and the s78 appeal

4. The main issues in these appeals are:
 - Whether the garage and link extension preserve or enhance the character or appearance of the Croxton Conservation Area (the CA).
 - The effect of the garage and link extension on the significance of Rose Cottage as a heritage asset, including its setting.

The character or appearance of the CA

5. Croxton village is laid out in a linear form along High Street. The CA is focused on this area, which is predominantly residential in character. There are variations in building line and boundary treatments, with buildings of non-domestic origin and high boundary walls standing close to the road at the northern end of the village. To the south, the character of the CA is increasingly typified by housing set behind picket fences or hedges, interspersed with some open frontages.
6. Almost without exception, buildings within the CA have pitched roofs. There are variations in pitch, primarily between thatched and non-thatched buildings, but the garage roof is noticeably shallower than any other near the site. Its form is therefore uncharacteristic of the CA and is not appropriate in relation to the surrounding area.
7. Buildings within the CA are mostly brick, with some faced in white lime wash or render, and there is consistency of facing materials within each building and, almost without exception, each plot. The use of render on the garage and link extension contrasts unsympathetically with the brick of the dwelling and introduces a discordant element into the street scene. The development therefore fails to preserve or enhance the significance of the CA.

The significance and setting of Rose Cottage

8. This building, diagonally opposite the site, is listed grade II. The significance of this heritage asset is derived from its vernacular architectural form, including a thatched roof, and its setting within a traditional village street.
9. The garage and link extension are not a traditional built form. While the siting of the garage forward of the dwelling impinges on the setting of Rose Cottage, that has been found acceptable in the scheme granted planning permission. However, the discordant effect of the use of render exacerbates this.

Appeals A and B - Conclusions

10. The development as built causes less than substantial harm to the CA and the setting of Rose Cottage. No public benefits that would outweigh this harm have been identified and great weight should be attached to the conservation of heritage assets. The development is therefore contrary to policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan 2018, which seek to achieve high quality design and to sustain and enhance the significance of heritage assets, including their settings, and Part 16 of the National Planning Policy Framework.
11. For these reasons, the appeal on ground (a) and Appeal B should not succeed.

Appeal A – the appeal on ground (f)

12. Planning permission was granted in September 2018¹ for development of the same description but with a steeper pitch to the garage roof, a pitched roof over the link extension, and faced with brick rather than render. I saw that the footprint of the garage and link extension accords with that scheme and a brick plinth course is visible below the rendered section, consistent with a band shown on approved drawing 018:07:PA03, which includes a note that all new materials would match the existing. The bricks in the plinth match the dwelling and accordingly the permission was lawfully commenced before the building began to deviate from the approved plans.
13. Consequently, the requirement to demolish the garage and link extension is excessive in applying to part of the development, albeit small, that accords with a planning permission granted by the Council.
14. The appellant suggests that the render could be removed and replaced with brick slip cladding and the Council has not challenged the feasibility of this. Provided the brick slip cladding matches the bricks of the dwelling, the external appearance of the approved drawing would be achieved. Furthermore, the garage and link extension could also be re-roofed to achieve full implementation of the planning permission granted in September 2018. These alternative steps would remedy the breach by making the development comply with the terms (including conditions and limitations) of a planning permission which has been granted in respect of the land, and are a lesser step than the total demolition set out in the requirements of the notice.
15. For these reasons, the appeal on ground (f) should succeed and I shall vary the notice accordingly.

The appeal on ground (g)

16. If the notice were varied in line with my findings in the appeal on ground (f) it would not be necessary to find and instruct a demolition contractor. The 3-month compliance period set out in the notice is a reasonable period for a builder to carry out the lesser steps of replacing render with brick slip cladding and re-roofing the garage and link extension.
17. Nevertheless, it is possible that the necessary works to achieve compliance with the varied notice could be delayed by a rise in Covid-19 infections affecting the locality or the chosen contractor. Should that occur, section

¹ S/2126/18/FL, granted 5 September 2018

173A(1)(b) of the 1990 Act as amended affords the Council discretion to waive or relax any requirement of an enforcement notice, including extending the compliance period. However, that would be entirely a matter for the Council.

18. For these reasons, the appeal on ground (g) should not succeed.

Appeal A - Conclusion

19. For the reasons given above, I conclude that the appeals on grounds (a) and (g) should not succeed and the appeal on ground (f) should succeed. I shall uphold the enforcement notice with a correction and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal A – Formal Decision

20. It is directed that the enforcement notice be corrected by deleting the date “18th December 2020” and substituting the date “18th December 2019”.

21. The appeal is allowed on ground (f) and it is directed that the notice be varied in section 5 by:

- Inserting the word “Either:” before requirement (i);
- Re-wording requirement (i) to read “(i) Remove those parts of the double garage and new single storey extension link to the front of the property that are above the brick plinth.”; and
- Inserting the words “Or: (iii) Remove all render from the external surfaces of the double garage and new single storey extension link and replace it with brick slip cladding to match the bricks of the dwelling.” and “(iv) Replace the roofs of the double garage and new single storey extension link with the roofs shown on approved drawing 018:07:PA03.” and “(v) Remove materials resulting from the removal of render and the roofs from the land.” after requirement (ii).

22. Subject to the correction and variations above the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B – Formal Decision

23. The appeal is dismissed.

Mark Harbottle

INSPECTOR