



Appeal Decision

Site visit made on 14 August 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/H0520/W/20/3251108

West Lodge, Great North Road, Little Paxton PE19 6EJ

- 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 Jason Stephen against the decision of Huntingdonshire District Council.
 - The application Ref 18/00551/FUL, dated 23 July 2019, was refused by notice dated 17 October 2019.
 - The development proposed is demolition of the existing dwelling and associated outbuildings and construction of 4 no. two-storey dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and associated outbuildings and construction of 4 no. two-storey dwellings, at West Lodge, Great North Road, Little Paxton PE19 6EJ in accordance with the terms of the application, Ref 18/00551/FUL, dated 23 July 2019, subject to the attached Schedule of Conditions.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the significance of the non-designated heritage asset on the site (West Lodge); and
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the relationship with protected trees on the site.

Reasons

West Lodge

3. West Lodge is a non-designated heritage asset associated with Paxton Park, a country house demolished between 1959 and 1960. It is a modest gate lodge, the significance of which lies in the evidence of historic architecture in a Tudor revival style with original detailing and in it being a remnant of the former Paxton Park estate.
4. West Lodge appears to be in a state of disrepair after some years of neglect. Notwithstanding this, the overall form and detailing remain such that the building retains its historic gatehouse appearance. However, some later additions to the building, in particular the single storey rear extension lack substantial architectural detailing such that the significance of the original building is somewhat diminished.

5. Apart from West Lodge, the former Paxton Park estate no longer exists, and the land has been largely redeveloped with residential housing. As such, while the historic setting of West Lodge no longer exists, it now forms the final substantial remnants of the large country estate. Since the proposal would result in the demolition of the building, the scheme would have an adverse effect on the significance of West Lodge.
6. Consequently, the proposal would result in substantial harm to the significance of the non-designated heritage asset on the site (West Lodge). Therefore, it would conflict with Policy LP 34 of the Huntingdonshire's Local Plan to 2036 May 2019 (LP) which seeks, among other things, where a proposal is for conversion, alteration, other works to a heritage asset, it must be demonstrated that the proposal does not harm or detract from the significance of the heritage asset.

Character and appearance

7. The surrounding area is characterised by single and two storey modern houses that are similar in style and set back from the pavement such that the area has a pleasant spacious feel. The trees and vegetation on the site contribute positively to the spaciousness of the area and provide a pleasant green aspect to the residential area. The site is occupied by a number of trees subject to Tree Preservation Orders (TPOs).
8. The Oak trees which form G2 are subject to TPOs and would be near the bottom of the rear gardens of the proposed plots 3 and 4. Given the shade that would be likely to be cast over these rear gardens, the proposal may result in pressure to prune the trees in order to alleviate overshadowing to the private amenity areas. However, there is little evidence before me to substantiate this risk. In any event, since the trees are protected, any substantial works to the trees would require express permission from the Council.
9. I acknowledge the comments of the Inspector for the case referred to by the Council. However, limited further details are before me to enable a direct comparison to be made with the appeal scheme. In any event, each case must be determined on its individual merits.
10. The Council have not objected to the felling of other trees on the site which are also subject to TPOs. Given the low quality of T2 and that trees T3 and T4 provide limited contribution to the visual amenity of the area, I have no reason to disagree.
11. Consequently, the proposed development would not harm the character and appearance of the area, with particular regard to the relationship with protected trees on the site. Therefore, it would not conflict with LP Policies LP2, LP11 and LP12 which seek, among other things, developments that protect the character of existing settlements and respond positively to its context and the area's character. The proposal would also not conflict with LP Policy LP 14 which seeks among other things, proposals that ensure adequate availability of daylight and sunlight for the proposed use. In addition, the scheme would not conflict with LP Policy LP31 which relates to trees, woodland, hedges and hedgerows. Furthermore, the proposal would not conflict with the National Planning Policy Framework (Framework) in this respect.

Planning Balance

12. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
13. Any significance of West Lodge as a non-designated heritage asset appears to lie in the evidence of historic architecture and in it acting as a reminder of the former Paxton Park. I acknowledge that demolition of West Lodge would result in the substantial loss of significance of this non-designated heritage asset and the removal of the remaining evidence of the Paxton Park estate. Nevertheless, in this case, West Lodge does not feature on any locally published list or on the Historic Environment Record. Moreover, given the neglected condition of West Lodge, and that its historical setting has been removed by residential development, the building has a limited significance, and so the weight I give to this substantial harm would also be limited.
14. The proposal would contribute four dwellings to the local housing supply. Future occupiers would contribute to the local community and there would be temporary economic benefits during the construction phase. In addition, the proposal would improve the appearance of an unkempt site. As such, while I acknowledge that the Council are able to demonstrate a five-year housing supply, there would be modest benefits as result of the proposal.
15. I am also mindful of the Government's objective of significantly boosting the supply of homes and that the site comprises previously developed land as well as the provisions of paragraphs 117 and 118 of the Framework. Therefore, on balance, the benefits of the proposal, albeit modest, would outweigh the limited harm that would result from the loss of this non-designated heritage asset of limited significance. Consequently, these material considerations outweigh the development plan conflict that would result from the loss of the non-designated heritage asset that would arise from the proposal.

Other Matters

16. I acknowledge local concerns including those regarding development of the southern part of the site. I have assessed the appeal based on the drawings before me for four dwellings. I have also attached a condition regarding landscaping which applies to the whole site within the red line boundary indicated on the location plan.
17. While the private amenity spaces of plots 3 and 4 would be in partial shade for parts of the day, particularly during mornings, future occupiers would be unlikely to use their rear gardens during these times throughout the year such that the harm would not render the spaces unusable or not enjoyable. Therefore, the proposal would not conflict with LP Policy LP14.
18. I also note concerns regarding highway safety. However, the Council has not objected in this regard and from the evidence before me I see no reason to disagree.
19. I note the comments of the Inspectors for the cases at Galleon Cottage, The Woodman Inn and Prospect Cottage. While I acknowledge that these cases

involved non-designated heritage assets, from the evidence before me, they are in different districts and their individual circumstances are substantially different to the appeal scheme such that they do not provide a direct comparison. I also note the comments of the Inspectors for the cases at 1 Fountain Drive, 53 Church Path and Marl Bank. While these decisions relate in part to protected trees, they are some distance from the appeal site and are not directly comparable to this appeal. I also acknowledge other schemes which were granted planning permission by the Council. However, limited details are before me such that a direct comparison with the appeal proposal cannot be made. In any event, each case must be determined on its individual merits.

Conditions

20. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in paragraph 55 of the Framework and the guidance contained in the Planning Practice Guidance.
21. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty and to safeguard the character and appearance of the area.
22. A condition requiring the submission of a Construction Method Statement is necessary to safeguard the living conditions of neighbouring occupiers and needs to be pre-commencement as it affects the early stages of construction. The Council's suggested condition relating to temporary facilities during the construction period is incorporated into this condition.
23. Conditions relating to external materials and architectural details as well as landscaping and hard landscaping are necessary to safeguard the character and appearance of the area.
24. The condition relating to tree protection is necessary to safeguard the trees subject to TPOs and needs to be pre-commencement as it would affect the early stages of construction. The conditions relating to the removal of trees and hedgerow and ecology are necessary to safeguard wildlife.
25. The conditions relating to the vehicular accesses, parking, visibility splays and surface water drainage and a condition removing permitted development rights in relation to gates are necessary in the interests of highway safety.

Conclusion

26. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OPT 250 SUR 001 Rev B, OPT-250-PA 004, OPT-250-PA 200 Rev F and OPT-250-PA 300 Rev F.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking and turning of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) The development hereby permitted shall be undertaken in accordance with the submitted tree protection measures outlined in the Arboricultural Impact Assessment (agb Environmental Ltd: P2972.2.3 and drawing ref: P2972.2 002 Rev B and shall be implemented prior to the commencement of any development, demolition, clearance or other preparatory operations including excavations. They shall be retained intact for the duration of the construction works. Any trees, shrubs or hedges covered by the protection measures which die or become severely damaged within five years from the completion of the construction works shall be replaced with trees, shrubs or hedge plants of similar size and species.
- 5) Notwithstanding the submitted details, no development above slab level shall take place until the following details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local Planning Authority:
 - i. Facing brick
 - ii. Roof tiles
 - iii. Mortar colour
 - iv. Rainwater goods

The details shall include the product colour, name and manufacturer where appropriate. The development shall be carried out in accordance with the approved details.

- 6) Notwithstanding the approved drawings, no development above slab level shall take place until the following architectural details have been submitted to and approved in writing by the local planning authority. The details shall include the following:
- i. Window and door product, manufacturing details, method of opening and colour
 - ii. Details of contrasting brick and string courses
 - iii. Reveals for windows and external doors
 - iv. Window and external door cills and header
 - v. Location and design of all meter boxes, flues and vents
 - vi. Details of eaves and verges including design, materials and colour

The development shall be carried out in accordance with the approved details.

- 7) All soft landscape works shall be carried out and maintained in accordance with the approved details (Landscape Proposals ref: 2017/41_001). Planting shall be undertaken within the first planting season following commencement of development, or such other timeframe which shall first be agreed in writing by the local planning authority. All planted materials shall be maintained for five years in accordance with the approved landscaping scheme which, within 5 years, die, are removed, are seriously damaged or become diseased shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.
- 8) Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season, from the 01st March to the 31st August inclusive, unless the works are undertaken in accordance with a mitigation scheme for the protection of bird-nesting habitat which has been previously submitted to and approved in writing by the local planning authority.
- 9) The development hereby permitted shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (agb Environmental – P2972.1.0: 31 October 2017), Bat Survey Report ((agb Environmental – P2972.4.0: 13 August 2018), and the letter from Leslie Cousins Senior Ecologist dated 08 October 2018. The enhancement and mitigation measures outlined in these reports shall be implemented prior to the first occupation of the development hereby permitted and shall be retained in perpetuity.
- 10) Prior to the first occupation of the dwellings hereby approved, full details of hard landscape works, to include but not be limited to, full details of surfacing products (manufacturer, type, colour and size) and boundary treatments, along with an implementation programme for the landscape works shall be submitted to and approved in writing by the local planning authority. These works shall be carried out in full in accordance with the approved details.
- 11) Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. The shared accesses shall be a minimum width of 5m, for a minimum distance of

10m measured from the near edge of the highway carriageway and maintained as such thereafter.

- 12) Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No OPT 250 PA 004. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 13) Prior to the first occupation of the development the proposed on-site parking (including garages) and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.
- 14) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the local planning authority.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local planning authority.

END OF SCHEDULE