
Appeal Decision

Site visit made on 7 December 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/W0530/W/20/3258149
76 New Road, Haslingfield CB23 1LP

- 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 James Doggett against the decision of South Cambridgeshire District Council.
 - The application Ref 20/02369/FUL, dated 12 May 2020, was refused by notice dated 20 August 2020.
 - The development proposed is 4 new detached dwellings including garages, replacing existing bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - the character and appearance of the appeal site and its surroundings;
 - the setting of the grade II listed building known as 'The Orchards, 72 New Road'; and
 - the living conditions of the occupants of 82 New Road with regard to outlook.

Reasons

Character and appearance

3. The appeal relates to a large detached bungalow, set back from New Road with landscaped garden areas to the front and extending for some distance to the rear. New Road in the vicinity of the site is residential in nature, and there is some variety in the age, layout and appearance of the housing along its length.
4. The appeal property is part of a row of houses and bungalows on the northern side of New Road that are also located in deep plots with long rear gardens. The houses themselves vary in their size, layout, position within their plots and appearance, and some have undergone recent alterations. The gardens of those to the west of the site are also generally wider and larger than those of the appeal site and its immediate neighbours, including the historic cottages to the east. Nonetheless, the site, its immediate neighbours and those larger plots

are all notable for their long rear gardens which extend back for some distance towards trees and open land beyond them to the rear.

5. None of those long rear gardens have been subject to backland development such as that which has taken place to the rear of other houses on New Road nearby. Those rear gardens and the trees beyond can be glimpsed from New Road between and, in some instances, above the houses themselves and serve to create a distinctive sense of openness and space around the buildings.
6. As a result, the site and its neighbours to the east and west combine to give the northern side of New Road in the vicinity of the site a distinctively spacious, open character. In that regard, the character of this small section of New Road is different and distinct from other parts of New Road slightly further afield, where intermittent developments have taken place in rear gardens and denser housing developments have grown up around small culs-de-sac such as Sidney Gardens and Watsons Yard.
7. The proposed houses, particularly those in the rear part of the site, would have a substantial scale, height and massing. Some of their detached garages would also have a significant height and volume. Whilst there would be some degree of separation between those proposed buildings, the space around them would still be somewhat limited and they would be located very close to the site boundaries. The houses would also have very small gardens relative to their size and to the much larger gardens of surrounding properties along this part of New Road.
8. The proposed houses, garages and associated vehicular access and parking areas would fill a substantial amount of the site, replacing much of its long, landscaped rear garden with buildings and hard-surfaced areas. New landscaping, tree and hedge planting would be provided within the gardens, around the site boundaries and within the parking and access areas. However, the relatively small gardens and the somewhat limited areas of planting proposed elsewhere would have only a limited effect in terms of breaking up, softening and screening the large buildings and extensive areas of hard surfacing proposed. Consequently, the landscaping would not compensate for the loss of the site's existing long garden or preserve the sense of openness and space that garden contributes to the street scene at present.
9. Given the above, the proposal would result in a cramped development which would not reflect the pattern or grain of its surroundings and would be unduly dominated by built structures, hard surfacing and parked vehicles. It would therefore represent a highly discordant development that would encroach into the site's rear garden, significantly eroding the distinctive open, spacious character of the appeal site and the street scene along New Road in the vicinity. That harm would not be addressed or outweighed by the use of sympathetic materials or the incorporation of locally distinctive building forms and details as suggested.
10. The dwelling on Plot 2 would sit closer to the road frontage than the existing bungalow. However, whilst it is set back from the properties on either side of it, the existing bungalow does not appear detached from the street scene at present. Therefore, the siting of Plot 2 further forward within the site would not outweigh the significant harm that would arise as a result of the development of the site's rear garden or the loss of the positive contribution that existing garden makes to the character and appearance of the wider street scene.

11. The development in the rear part of the site has been designed to give the appearance of a small farmstead arranged around a courtyard. However, there is no substantive evidence before me to indicate that such a development has stood on the site previously. In any event, that design approach would not overcome the significant harm to character and appearance that would arise as a result of the scale and amount of development or the loss of the site's large rear garden area.
12. Therefore, I conclude that the proposed development would have an adverse effect on the character and appearance of the appeal site and its surroundings. It would conflict with Policies HQ/1 and H/16 of the South Cambridgeshire Local Plan which require development to respect local distinctiveness and state that the development of dwellings on residential gardens will only be permitted where there would be no significant harm to the local area taking account of its character. It would also conflict with the National Planning Policy Framework (the Framework), which states that planning decisions should ensure that developments are sympathetic to local character.

Setting of The Orchards, 72 New Road

13. The site is adjacent to a grade II listed building. The list description refers to that building as 'The Orchards, 72 New Road'. For conciseness I refer to the listed building hereafter as 72 New Road. I am mindful of my statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeal accordingly.
14. The submissions indicate that 72 New Road was built as agricultural worker's housing and was formerly 2 cottages which have subsequently been converted into a single dwelling.
15. Over time, residential development has grown up around the listed building. That includes the existing bungalow on the appeal site, which was built in the late 1980's. It appears that the site was formerly part of orchards associated with 72 New Road. However, it is now a residential garden with lawns and domestic planting and is physically severed from No 72 by boundary treatments. As such, the site is no longer legible as an orchard or as part of the wider setting of the listed building. The appeal site's rear garden also wraps around that of the listed building, physically separating the historic farm workers' cottage and its remaining garden area from the open land to the rear.
16. The listed building is now part of a residential street scene, with no remaining connection to its former agricultural surroundings. Consequently, although the listed building has special interest as an example of a simple, isolated vernacular worker's cottage, its remaining setting is now limited principally to the building itself and its remaining garden area. As a residential property and garden which form part of that domestic development that has gradually grown up around the listed building and detached it from its rural surroundings, the appeal site contributes little to its setting at present.
17. Despite its historic association with 72 New Road, the site is now in separate residential use. This use would not change as a result of the development. However, the proposal has been designed to give the appearance of a farmstead, with the 3 dwellings and garages in the rear part of the site intended to appear as a farmhouse and converted agricultural buildings. It has been suggested that the listed building, located alongside the new access drive,

would be read as part of the proposed 'farmstead'. However, whilst 72 New Road may have historically served as agricultural workers' housing, there is no substantive evidence before me to indicate that it ever formed part of any farmstead or that such development ever existed on the appeal site.

18. The proposal would therefore lead to a contrived pastiche which would create a false 'setting' for the listed building at 72 New Road. It would thus erode the authenticity of the listed building and could be misleading or create confusion as to its history and origins. Consequently, the development proposed would not preserve or enhance the setting of the listed building at 72 New Road. Rather, in creating an inauthentic and potentially confusing context for the listed building, the development would result in further harm to its setting over and above that which has arisen as a result of the gradual suburbanisation of its surroundings to date.
19. That harm would not be outweighed or overcome by the siting of Plot 2 away from the boundary with the listed building, new planting within Plot 2's front garden or the potential relocation of 72 New Road's vehicular entrance from New Road onto the proposed access drive.
20. The harm arising would be less than substantial. Nevertheless, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposal.
21. The development would result in a net increase of 3 dwellings and would thus contribute to the supply of large family housing in the district and within an existing village, with local amenities, employment areas and public transport links nearby.
22. I have been advised that the existing bungalow has structural, damp and energy efficiency deficiencies. The submissions state that the proposed development would incorporate measures aimed at maximising energy efficiency and minimising CO₂ emissions, including the provision of electric vehicle charging facilities.
23. Future occupants would provide some support to local services and businesses. The development would also bring economic benefits and employment during construction and I acknowledge the effects that the Covid-19 pandemic has had on the construction industry and those working within it.
24. Those economic benefits, the contribution to housing supply and the potential for improvements to energy efficiency are public benefits which weigh in favour of the scheme. However, the benefits arising in those regards from the very small scale development proposed would be limited and would not outweigh the harm I have identified.
25. The proposed development would therefore fail to preserve or enhance the setting of the grade II listed building known as 'The Orchards, 72 New Road'. It would conflict with Policy NH/14 of the Local Plan which states that development proposals will be supported when they sustain and enhance the significance of heritage assets, including their settings. It would also conflict with the Framework which requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Living conditions – 82 New Road

26. 82 New Road (No 82) has a long but relatively narrow rear garden. At present, the appeal property is set back from the front of No 82 and extends back into the site alongside the boundary. However, only the roof of the existing appeal bungalow is visible from the rear windows and garden area of No 82. As that roof is low and slopes away from the boundary, it does not intrude or appear unduly dominant within those views at present.
27. The proposed development would introduce two large dwellings, plots 3 and 4, into the rear part of the site very close to the boundary with 82 New Road. Because of their significant height and large footprints, those buildings would have a substantial scale and massing. The 1½ storey garage of Plot 3 would also be a relatively tall structure with a significant volume and massing and would also be located very close to the boundary with No 82's garden and rear patio area.
28. As a result of their scale and proximity to the boundary, those proposed buildings would be unduly dominant and would have a highly oppressive and overbearing effect on the adjacent garden at No 82. Together they would extend alongside almost the full depth of No 82's rear garden and, whilst there would be gaps between the buildings, they would nonetheless create a significant expanse of built form alongside that boundary. As a result, they would create an unacceptable sense of enclosure and significantly erode the open outlook from the rear of No 82 and from all parts of its rear garden.
29. The development would therefore have a significant adverse effect on the living conditions of the occupants of No 82 and on their enjoyment of their property. That harm would not be overcome by existing or proposed planting alongside the boundary, since the significant scale and massing of the buildings would still be evident despite such planting.
30. The appellant has referred to the possibility that structures similar to the proposed garages could be built under the existing bungalow's permitted development rights. However, I have no specific proposals before me in that regard. Nor have I been presented with substantive evidence to indicate that there is any realistic prospect of such works being carried out should I dismiss this appeal, or that such works would cause greater harm to living conditions than the development before me, including the very large houses which are proposed close to the boundary with No 82. I therefore afford that suggested fallback position very limited weight.
31. Therefore, I conclude that the proposed development would have a significant adverse effect on the living conditions of the occupants of 82 New Road with regard to outlook. It would therefore conflict with Policies HQ/1 and H/16 (vi) of the Local Plan which require that proposals protect the amenity of occupiers and surrounding uses, including from development that is overbearing. It would also conflict with the Framework which requires developments to create places with a high standard of amenity for existing and future users.

Other Matters

32. The appellant has referred to an absence of other potential sites for similar new housing development within the village. However, I have determined the appeal before me on its own planning merits and based on the specific

- circumstances and context of this particular site. Such matters do not alter or outweigh my conclusions regarding the harm I have identified in this case.
33. I have been referred to other schemes for new housing development within the village and other areas which have been permitted by the Council recently. However, from the very limited information before me I cannot be certain of the exact circumstances in which those schemes received permission or that they were directly comparable in all respects to those in the case before me. In any event, I have determined the current appeal on its own planning merits.
34. I have had regard to other concerns raised by interested parties, including with regard to light, privacy and highway safety. However, as I have found the proposal unacceptable for other reasons I have not needed to consider those matters further in this instance.
35. It is not the purpose of the appeal process to evolve a scheme. Nor would it be appropriate for me to comment on the potential merits of alternative proposals or what may or may not be possible on the site. I have considered the proposal on its own merits and based on the drawings which formed the basis of the Council's decision and on which interested parties' views were sought.

Planning Balance and Conclusion

36. Reference has been made to the rate of housing completions in the district relative to projected needs. However, I have found harm to a designated heritage asset in this case. Therefore, the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Accordingly, even if I had substantive evidence before me to indicate that the Council was unable to demonstrate a 5 year supply of deliverable housing land, the presumption in favour of sustainable development in paragraph 11 of the Framework would not be engaged in any event.
37. The development would make a small contribution to local housing supply, specifically the provision of large family dwellings, in an existing village close to areas of employment. As outlined above, it would also have economic benefits and incorporate measures aimed at improving energy efficiency and minimising resource use. Those are all benefits which weigh in favour of the scheme. However, given the very small scale of the development those benefits would be very modest and do not outweigh the significant harm to character and appearance, to the setting of the listed building and to living conditions that I have identified in this case.
38. Therefore, for the reasons given, the appeal is dismissed.

Jillian Rann
INSPECTOR