
Appeal Decision

Site visit made on 13 January 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2021

Appeal Ref: APP/J0540/W/20/3260783

The Bungalow, Stamford Road, Barnack, Stamford PE9 3EZ

- 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 Allen against the decision of Peterborough City Council.
 - The application Ref 20/00762/FUL, dated 17 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows: -
 - the extent to which the proposal would preserve or enhance the character or appearance of the Barnack Conservation Area, including trees protected by their presence in the area;
 - whether the proposal would provide suitable living conditions for existing and future occupiers of The Bungalow and the proposed house, in respect of private outdoor space;
 - whether the proposal would provide suitable living conditions for existing and future occupiers of The Bungalow and the proposed house, in respect of outlook; and
 - the effect of the proposed development on the safety of the highway network in the vicinity of the appeal site.

Reasons

Significance of the conservation area and the amenity value of trees

3. The appeal site concerns the substantial front garden of an unlisted 1950s detached bungalow, which has been extended to the rear and is situated within the Barnack Conservation Area (CA). The CA is primarily centred around the historic core of the village but extends outward to the east, south and west. It is principally formed of stone houses and buildings, with Collyweston roofs, built prior to the 19th Century. To the centre and east, the houses are generally more closely spaced and arranged close to the street. To the north, south and west, the houses are set back from the street to a varying extent, within plots with front and rear gardens. While there are some houses situated behind

those at the street frontages, including 'Sandalls View' to the rear of The Bungalow, the predominant character is one of frontage development.

4. The undeveloped qualities of the space formed of the substantial front garden of the appeal property, the trees within and the stone wall to its front boundary make a significantly positive contribution to the character and appearance of the CA. The trees within and immediately off-site are protected for their amenity value by virtue of their presence within the CA.
5. Although The Bungalow is constructed of contrasting materials and built to a non-traditional design, it is low in scale and set back beyond its front garden. It therefore appears unassuming and, to a certain extent, disguises the presence of Sandalls View behind it. The harm that would otherwise be apparent due to the contrast in the arrangement of the houses, in-depth, is therefore partially contained and The Bungalow has a neutral effect on the character and appearance of the CA.
6. Despite the presence of some development behind frontages, in so far as it relates to the appeal proposal, the significance of the CA is predominantly derived from the fine collection of primarily stone houses and buildings built prior to the 19th Century and the clear and distinct pattern of frontage development. Given the depth of the front garden of the appeal property and the trees within, it makes an important contribution to the character and appearance of the CA and its significance.

Effect of the proposed development

7. The proposed house would be forward of The Bungalow, which would result in a similar relationship to that in situ between that property and Sandalls View to its rear. Although The Bungalow would be partially screened by the proposed house, given its closer proximity to the street, it would still be apparent behind it, as evidenced by the application drawings. The addition of the proposed house to those existing would therefore bring more attention to the arrangement of houses in-depth, which would be at odds with the established frontage grain of development found in the CA.
8. There is some merit to the alignment of the proposed house with 'Quarryside', but its closer proximity with The Bungalow would appear cramped. The space to the rear of the proposed house and that which would remain for The Bungalow, would also be at odds with the general pattern of houses with front and rear gardens or generous proportions. Despite the proposal for half of the existing front garden to be retained, its undeveloped qualities would be significantly eroded by the proposed house, its driveway and turning area.
9. The existing site levels are shown on the topographical survey to vary from 37.29 to 39.12, but the application drawings indicate that the proposed finished ground floor and site levels would both be around 37.3. In the absence of an arboricultural impact assessment and method statement, it is likely that the ground works required to implement the proposal would have a harmful effect on the root protection areas and the future health and growth potential of the trees within and adjoining the site. I am not therefore satisfied that a no-dig approach would be a suitable means of mitigation for the proposal.
10. I acknowledge that with some refinement, as recognised by the Council's officers, the design of the proposed house would not, of itself, be harmful to

the appearance of the CA, particularly as it would be of stone construction under a faux Collyweston roof. Materials and door and window construction details, amongst others, could also be dealt with by planning condition. However, such matters would not address the unacceptably harmful effects of the proposal on the character and appearance of the CA, including with respect to the potential effect on trees of amenity value.

11. I have had regard to the layout of Paynes Field but note that it is situated to the north of the village, outside of the CA, and is a development of significantly greater size than the single plot before me. For these reasons, it is not comparable with the appeal scheme.

Public benefits and conclusions on the first main issue

12. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight. Paragraph 192 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
13. The proposal would be harmful to the character and appearance of the CA, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to the significance of this heritage asset. Paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
14. The design of the proposed house would not, of itself, be harmful to the appearance of the CA and it would partially screen The Bungalow from view. However, as the latter has neutral effect on the character and appearance of the CA, this would be of limited value, particularly as the proposed arrangement of properties would clearly be apparent.
15. Based on the evidence before me, no other public benefits appear to have been advanced by the appellant.
16. The aforementioned public benefits are balanced by the harm that would occur to the CA. Taking the above together, the public benefits would not justify allowing development that would fail to preserve or enhance the character and appearance of the CA. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage asset.
17. I therefore conclude that the appeal proposal would fail to preserve or enhance the character and appearance of the Barnack Conservation Area and, thereby, its understanding and significance as a heritage asset. Furthermore, on the basis of the evidence before me, the proposal could also potentially have an unacceptable impact upon the amenity of trees on-site and immediately off-site. Hence, the proposal would fail to satisfy the requirements of the Act,

paragraphs 192 and 193 of the Framework and conflicts with the aims in respect of design, heritage and trees expressed in Policies LP16, LP19 and LP29 of Peterborough Local Plan (Adopted 24 July 2019) (LP).

Private Outdoor Space

18. Outdoor space appears to be proposed to the front, side, and rear of the new house. The front space would be enclosed by existing low stone walls, but principally utilised for the parking and turning of vehicles. I am mindful that occupants of the proposed house would have outlook across this frontage area, which would contribute positively to their living environment and wellbeing. However, the space would neither be private nor arranged to function as useable outdoor space, so would more than likely only be ornamental.
19. It is unclear how much of the space to the side and rear of the house would be useable due to the lack of clear information surrounding the proposed land levels around the house. In particular, land to the southeast of the house would be unlikely to function as useable outdoor space, as it would be difficult to use due to a slope in the land. The space to the rear would therefore be more important, but it would be significantly smaller than those available to other properties of a similar size nearby and it is unclear how it would relate to the higher ground toward The Bungalow or whether it could be overlooked from that property. Consequently, there is a great deal of uncertainty as to whether the proposed house could be provided with private outdoor space that would either be of sufficient quality or useable for its occupants.
20. The proposal would also significantly reduce the amount of outdoor space at The Bungalow, to that available to its southeast side. This retained space would also not be proportionate to the size of that or neighbouring properties of a similar size. The extent and quality of outdoor space available to the occupants of The Bungalow would therefore markedly decrease as a result of the proposal.
21. I note that houses with smaller gardens have been constructed at Millstone Lane, but they are within the historic core of the village, where buildings are arranged to a greater density and closer to the street. Those houses are not therefore comparable with the appeal site or its surroundings.
22. In light of the above, I conclude that the arrangements for private outdoor space would be harmful to the living conditions of the existing and future occupiers of The Bungalow and the proposed house. Hence, the proposed development would conflict with the expectations for living conditions of existing and future occupiers in new development, in respect of private outdoor space, as expressed in Policy LP17 of the LP.

Outlook

23. The windows for Bedrooms 3 and 4 of the proposed house would be obscure glazed, so future occupiers would be likely to experience an uncomfortable sense of enclosure and restrained outlook from these rooms. The main parties have referred to proposals for roof windows for each room. While there appear to be notations on the floor plan to illustrate their presence, they are not shown on the corresponding elevation. Despite the uncertainty of their provision, I am not persuaded that they would offer a suitable alternative to

outlook from these rooms, as it is likely that visibility would be at a high level and above the horizontal.

24. The proposed house would be sited on lower ground directly in front of The Bungalow, so it would be only slightly higher than its roof. However, the two properties would still be within relatively close proximity of one another. When occupants of The Bungalow would be within the habitable rooms facing northeast, there would be very little relief from outlook toward the proposed house, the height and scale of which would still appear oppressive and imposing in those views.
25. For these reasons, I conclude that the outlook from Bedrooms 3 and 4 of the proposed house and from the habitable rooms served by windows in the northeast façade of The Bungalow would be inadequate, to the extent that this would have an unacceptable effect on the living conditions of the existing and future occupiers of both properties. Hence, the proposed development would conflict with the expectations for living conditions of existing and future occupiers in new development, in respect of outlook, as expressed in Policy LP17 of the LP.

Highway Safety

26. The existing private access driveway serving The Bungalow and Sandalls View would be used to access the appeal site. This is wider towards the junction with Stamford Road to enable two vehicles to pass, clear of the carriageway, but narrows after a short distance. The access serving the proposed development would be taken from this wider portion of the driveway. The junction with the road is splayed at either side and visibility of traffic in either direction is across a wide grass verge.
27. The proposed house would accommodate four bedrooms, which would lead to a permanent increase in the use of the access driveway by future occupants, services and deliveries, and at least two parking spaces would be required to be provided within the site.
28. Due to the presence of trees and the proposed access arrangements, the proposed parking and manoeuvring area within the site would be an unconventional shape. Future occupiers of the proposed house would therefore be likely to be required to move vehicles around to enable the parking and manoeuvring of vehicles associated with the house to take place. There may be circumstances where vehicles would be restricted to the extent that they are required to reverse out into the private access road and this could be an inconvenience to occupiers of the proposed house. However, such instances are unlikely to be unique to the appeal site and the access is likely to be lightly trafficked, predominantly by existing residents, and at lower speeds.
29. The speed limit in Stamford Road is 30mph and there is no substantive evidence before me to demonstrate that vehicle speeds are higher within the vicinity of the site. While my presence at the site during my short visit would not provide a representative picture of the extent and speed of vehicles, the existing visibility in either direction from the access driveway would appear to be of a sufficient standard to serve the proposed development.
30. Despite the existing access driveway being more widely trafficked and the absence of information on the application drawings relating to vehicle tracking

and parking and visibility splays, the safety of the users of the access and Stamford Road, including pedestrians, would be unlikely to be significantly affected by the extent of additional traffic that would emanate from the proposal. For these reasons, I conclude that the proposed development would not have a harmful effect on the safety of the highway network in the vicinity of the appeal site. Hence, the proposal would accord with the highway safety aims of Policy LP13 of the LP.

Planning Balance

31. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise, which includes the Framework.
32. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage asset. Furthermore, the proposal would not be harmful to highway safety.
33. In terms of harm, the proposed development would not comply with development plan policy in respect of the character and appearance of the Barnack Conservation Area and the living conditions of the occupiers of the proposed house and existing property, The Bungalow.
34. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. The proposal would also not amount to sustainable development under the terms of the Framework.

Conclusion

35. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR