
Appeal Decision

Site visit made on 2 September 2020

by Helen Heward BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/H0520/W/20/3249223

Land at 516 Great North Road, Eaton Ford, Northamptonshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Lord Vincent Constantine, Tavistock Antiques Ltd against Huntingdonshire District Council.
 - The application Ref 19/01736/FUL, is dated 2 September 2019.
 - The development proposed is described as "erection of one new dwelling consisting of a main single-storey hipped element, single-storey gable element and single-storey link piece".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address given on the appeal form and used by both parties, although I have noted that the application form described the site as "land adjacent (west) of 204 Crosshall Road". The application and appeal are made by Tavistock Antiques Ltd. Folium Architects advise that the person named should be Lord Vincent Constantine of Tavistock Antiques Ltd.
3. A boundary fence has the benefit of a Certificate of Lawful Existing Development.
4. Matters concerning how the Council dealt with the application are not before me and I have considered the proposal on its own merits.

Main Issues

5. The Council put forward four putative reasons for refusal relating to heritage, protected trees, biodiversity and building regulations. I consider the main issues to be the effect of the proposed development on (1) the special interest of CrossHall Manor which is listed Grade II* and on the character and appearance of the St Neots Conservation Area, and (2) trees.

Reasons

Listed Building and Conservation Area

6. St Neots Conservation Area Character Assessment 2006, (CACC) highlights Crosshall as part of the historic road network. A significant spatial element formed where the original course of the Great North Road crossed the route

from St Neots to Northampton. Crosshall Manor being built at the important crossroad where the Great North Road met the road from Cambridge (via St Neots) to Northampton. Its form has become eroded over time.

7. Crosshall Manor is a Grade II* listed building (LB), and one of only two LB's in this part of St Neots Conservation Area (CA). Crosshall Manor (Manor) is a medieval timber framed house which has been re-fronted and altered. The Listing description refers only to details of the building. However, its location at this historical crossroads is part of its significance
8. The Manor is located in the northeast quadrant of the crossroad where an annotated inset map in the CACC, pp 30, notes broken built form in a broad curve set back from the junction. The appeal site is located between the Manor and No. 204 Crosshall Road (204), a modern dwelling. Both have a significant setback and the broad arc indicated in the CACC can be roughly extrapolated across the gardens of the Manor to 204.
9. The area between these properties and the road is annotated as "trees enclosing the space" on the same inset map in the CACC. This area, including most of the appeal site, is largely screened by mature trees, close boarded fencing and hedging at the perimeters. It is generally characterised by an enclosed, verdant quality, a general absence of built form adjacent to the highway and a sense of spaciousness above and beyond the fencing and hedging. In this way, and notwithstanding one glimpsed view from the access of the unkempt cleared ground within, this area, including the appeal site, makes a positive contribution to the character and appearance of the CA.
10. The CACC recognises that Crosshall would benefit from an enhancement plan and that its potential will not be fulfilled without a well-planned enhancement scheme. The CACC is dated 2006 and development has taken place since. There is tightly grained modern urban redevelopment in the locality and the alignment and character of the road junction is much changed. However, the historic road intersection, albeit much altered, and the Manor in the northeast quadrant remain. And in between the "trees enclosing space", including most of the appeal site, remains spacious and verdant.
11. A Heritage Statement prepared by Humble Heritage for a two-storey development, agrees that the appeal site has a historical relationship with the Manor. On an extract from a 1799 Enclosure Award Map for Eaton Socon the Manor can be seen on the northeast side of the crossroad. The appeal site forms part of an enclosed field to the south east and part of the crossroads and the Enclosure Award refers to a farmhouse with buildings, yards and gardens. Although the exact use of the field can only be surmised.
12. An 1884 Ordnance Survey (OS) extract indicates that the grounds of the Manor had become extended and laid out as formal gardens between the Manor and the roads, including much of the appeal site. It indicates paths, lawns and trees, although OS maps were not produced as accurate records of gardens. Subsequent OS maps continue to show the area of the appeal site to be largely within the bounds of the Manor, albeit that the bounds variously extend and contract over time. By the 1985 OS map 204 is seen in part of the former grounds of the Manor.
13. Mapping evidence indicates that the appeal site has been part of the grounds of the Manor, but that its use, relationship and importance to the property have

changed over the years. Today ownership is separate, and the appeal site is physically and visually separated from the Manor by tall concrete post and timber panel fencing along the mutual boundary. Shrubbery, hedging and trees on the Manor side further limit intervisibility, but the Appellant acknowledges that the site can be seen from the house and gardens. Coniferous hedging and other trees along Crosshall Road prevent views of the Manor from the public realm over the appeal site.

14. The Framework is clear that any harm to the significance of a heritage asset from development within its setting should require clear and convincing justification. The glossary defines the Setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
15. The contribution of the appeal site to the surroundings in which the Manor is experienced is much diminished. Even so, as part of the verdant space between the Manor and the roads, the appeal site continues to make a minor positive contribution to the setting and significance of the listed building.
16. Effects upon the significance of the Manor could only be by way of affecting the setting. The appeal proposal would not require any further changes to boundaries of the Manor as it has already been separated, fenced off and has access to the public highway.
17. The height of the roof would be reduced by lowering ground levels. Notwithstanding the 500mm cut, the drawings indicate that window headers, top courses of brickwork, the large hipped roof and lesser pitched roof would all be visible over fencing. The north west elevation would be seen from the Manor.
18. The Design and Access statement refers to the scheme reflecting the vernacular of converted barns in the former grounds of the Manor. Those barns are behind the Manor. The proposed dwelling would be largely in front. This would be an awkward and incongruent relationship which would diminish the setting and significance of the Manor.
19. Roughly 12m wide, extending across almost the full width of the site and within approximately 3m of the boundary, the front part of the dwelling would appear wide and very close to the road. Most of the dwelling would be forward of a broad arc of a building line through the front of the Manor and 204. Limited space for landscaping would make it more prominent. Whilst all of the dwelling components would fit on the site, there would be little green space about the dwelling. It would appear very cramped in comparison to the Manor and 204.
20. Situated roughly midway in the "tree enclosed space" the development would be incongruous to the detriment of the spacious open character and appearance of this part of the St Neots Conservation Area. It would be seen over the fence line and glimpsed through the access.
21. The dwelling would be close to a number of mature trees and hedging. Cut into the site and with limited space about the dwelling there would be a likelihood that the trees and hedging would combine to limit daylight and create a hemmed in and overbearing feeling for future occupants. This could lead to

pressure to cut down hedging and/or remove trees. Increased visibility of the dwelling within the CA could exacerbate the negative impact on the character and appearance of the CA and the setting of the Listed Building. This adds to my concerns.

22. I conclude the proposal would fail to preserve the setting of the listed building, and fail also to preserve the character and appearance of the CA. The proposal would be contrary to aims of Policy LP2 of the Huntingdonshire Local Plan to 2036 (Local Plan) to "Protect the character of existing settlements..." and to "Conserve and enhance the historic environment". It would fail to satisfy the requirement of Policy LP11 that a proposal will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places. It would conflict with a requirement of Policy LP12 that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it (a) contributes positively to areas of character and identity and (b) successfully integrates with adjoining buildings, the routes and spaces between buildings, topography, and landscape.

23. The proposal also fails to satisfy requirements of Policy LP34 of the Huntingdonshire Local Plan to 2036 (Local Plan) which advises that works to a heritage asset within its setting must demonstrate that the proposal, amongst other things:

Protects the significance of designated heritage assets and their settings by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use and views both from and towards the asset;

Does not harm or detract from the significance of the heritage asset, its setting and any special features that contribute to its special architectural or historic interest and the proposal conserves and enhances the special character and qualities.

24. The harm to the significance of both the Listed Building and Conservation Area would be less than substantial. Policy LP34 requires that where this is the case, the harm will be weighed against the public benefits of the proposal. I return to this balancing exercise in the final section of my decision.

Trees

25. The dwelling would be close to boundaries. Trees within the CA are subject to protection. Trees surrounding the site contribute to the character and appearance of this part of the CA.

26. Whilst Folium Architects Dwg 302 PV2 01 and 01a appear to indicate that the canopy of T3 does not extend over the site, on my site visit I found that it did, as shown on the Arboricultural Report Tree Constraints Plan. I also observed that the canopy of T2 appeared to overhang the site more than depicted on Dwg 302 PV2 01 and 01a. It appeared to overhang to the extent depicted on the visibility splay drawing DWG 2287-01. I could not be certain about the

facts. Nonetheless, the Arboricultural Report identifies that the Root Protection Area (RPA) of G2, T3 and T5 would be impacted by the development.

27. BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, paragraph 5.3 states that the default position should be that structures are located outside of the RPA's of trees to be retained. It goes on to say that 'where there is an overriding justification for construction within the RPA... technical solutions might be available that prevent damage to the tree(s)'. The proposal is to "ideally" retain the existing gravel surface with a top-dressing, but I find the evidence insufficient to demonstrate and justify the approach.
28. If T2's canopy is as shown on DWG 2287-01 then it may be that the Tree Protection Plan at Appendix 7 of the Arboricultural Report might not be achievable, and this adds to my concerns. Particularly given the close relationship of T2 to the dwelling.
29. The proposal fails to satisfy requirements of Policy LP31 of Huntingdonshire's Local Plan to 2036 which advises that loss, threat or damage to any tree, woodland, hedge or hedgerow of visual, heritage or nature conservation value will only be acceptable where it is addressed firstly by seeking to avoid the impact, then to minimise the impact and finally where appropriate to include mitigation measures; or where there are sound arboricultural reasons to support the proposal. Where impacts remain the need for, and benefits of, the development in that location must clearly outweigh the loss, threat or damage.

Other Matters

30. The Council raised concern about evidence to demonstrate no net loss of biodiversity and accessible and adaptable buildings, but as I am dismissing the appeal for other reasons, these matters are not determinative.
31. I have noted references to sections of the Huntingdonshire Design Guide Supplementary Planning Document, 2017, Policy A3 of the St Neots Neighbourhood Plan 2018 and C1, C2, I1, I2 and B2 of the National Design Guide, 2019, but found insufficient specificity to address them, and these documents are not determinative in any event.

Planning balance

32. The approach to listed buildings and conservation areas is underpinned by the statutory requirements placed on decision makers by the Planning (Listed Buildings and Conservation Areas) Act 1990: "s.66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." "s.72 (1) ... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
33. The National Planning Policy Framework (Framework) gives 'great weight' to the conservation of a designated heritage asset. Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

34. Paragraph 196 adds that where a development proposal will 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, where appropriate, securing its optimum viable use. The approach set out in Policy LP34 of the Local Plan is broadly consistent with this advice.
35. The proposal would result in a net addition of one dwelling to the housing stock. This is a benefit to which I attach a moderate amount of weight. It would remove the view of the unkempt vacant site, but this is only a fleeting view and the detracting elements are not seen over the fences and hedging. I attach little weight to this as a benefit.
36. There are suburban dwellings in the wider locality. Undoubtedly the built form will interrupt some specific views, but on my site visit I observed that trees in the garden of the Manor and 204 would limit views from the Manor of the wider suburban area along Crosshall Road. There is scant evidence to demonstrate that the proposal would have any meaningful effect in terminating views of suburban style dwellings from the Manor or its grounds.
37. The overarching statutory duty imposed by s66 or s72 Planning (Listed Building and Conservation Areas) Act 1990 applies even where the harm to heritage assets is found to be less than substantial and I attach considerable importance and weight to the desirability of preserving the setting of the LB and the character and appearance of the CA.
38. Although there are some public benefits they do not outweigh the considerable weight that I attach to the harms. The proposal would not satisfy the requirements of Local Plan Policy LP34 and is contrary to the Development Plan when read as a whole.

Conclusion

39. For the reasons given and having considered all other matters raised, the appeal is dismissed.

Helen Heward

PLANNING INSPECTOR