
Appeal Decision

Site visit made on 16 March 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 06 April 2021

Appeal Ref: APP/W0530/W/20/3258392

7 Back Lane, Barrington CB22 7RF

- 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 Mr Jamie Wardley (Barrington Blue Ltd) against South Cambridgeshire District Council.
 - The application Ref: S/4518/19/FL is dated 23 December 2019.
 - The development proposed is the demolition of the existing bungalow, the erection of two new dwellings and works to the existing access road.
-

Decision

1. The appeal is dismissed, and planning permission for the demolition of the existing bungalow, the erection of two new dwellings and works to the existing access road is refused.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the Barrington Conservation Area (the CA); and
 - the effect of the development upon the character and appearance of the nearby Listed Buildings.

Reasons

The effect on the character and appearance of the Conservation Area

3. The appeal site currently contains a single bungalow, garage and garden and is located on a spur of Back Lane. The appeal site is within the CA. For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of traditionally designed dwellings, of generally limited proportions, located within a landscaped setting. This means that the appeal site, and the immediate surroundings contribute to the creation of a semi-rural character that provides a transitional space between the village centre of Barrington and the open countryside beyond.
4. The proposed development would feature two dwellings. One of these dwellings would be located further forward of the other. This would disrupt the predominantly linear form of dwellings that is a feature of Back Lane. This would be a concern as the proposed dwellings would be viewable from the start of the spur in Back Lane.

5. Whilst the spur of Back Lane features a fence alongside one side, the predominant characteristic is the presence of the traditionally designed dwellings within a more open context. In consequence, the proposed development would erode the character of this spur of Back Lane.
6. In addition, the proposed dwellings would be constructed in a less traditional style of architecture, have a significant mass and a flat roof. In result, the proposed development would appear incongruous due to the form of the houses being significantly divergent to the prevailing character of the dwellings in the surrounding area.
7. The vicinity of the appeal site features some more modern dwellings, including one on the neighbouring property that is currently under construction. Whilst this creates a more varied built form than in some other areas of the CA, dwellings in Back Lane typically feature some design elements that are complimentary towards the historic environment. Examples of these include the relatively low-pitched roofs, traditional roof shapes and traditional building materials. These features are absent in the appeal scheme.
8. The appeal scheme would result in an increase in the level of built form at the site. In addition to the proposal being for two dwellings rather than the existing single bungalow, the proposed houses would have a greater height and massing than the existing. The proposed development would also feature a greater amount of hardstanding for driveways, as well as more boundary treatments due to the subdivision of the garden.
9. Taken together, these features would erode the open and verdant character of this section of Back Lane and conflict with the semi-rural character of the site and the surrounding CA.
10. In addition, some elements of the dwellings would be visible from the parts of the CA in the nearby High Street. This would erode the traditional sense of openness within the high street due to the bulky nature of the proposed development.
11. I note that the access arrangements have been designed with a view to complementing the adjoining developments. However, the access would be viewed alongside the dwellings and would contribute to an erosion of the CA's character.
12. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the CA. The development, in this regard, would conflict with Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) (the Local Plan). Amongst other matters, these policies seek to ensure that new developments conserve or enhance important historic assets; and sustain and enhance the special character and distinctiveness of the district's historic environment.

The effect on the character and appearance of Listed Buildings

13. The appeal site is close to several Listed Buildings. These include 9 Back Lane and 2, 4, 12, 14, 18, 20, 22 and 26 High Street. For the purposes of this appeal, the significance of the Listed Buildings is, in part, derived from their limited proportions, particularly as a result of the location of upper floor rooms in the roof space and the presence of open space between, and to the rear of,

dwelling. In result, the setting of the Listed Buildings contributes to their historical significance.

14. The existing bungalow has a limited height. As the proposed dwellings would have two storeys, they would have a greater height. In addition, by reason of their form, they would appear bulkier and have a greater mass than the existing building. I have had regard to the Council's Listed Buildings Supplementary Planning Document (2009) (the SPD). Amongst other matters, this highlights that a bulky building might also affect the setting of a Listed Building some distance away
15. In result, the proposed development would be visible, to some degree through the gaps in between the Listed Buildings and the gardens of these existing houses. Whilst the parts of the proposal that would be visible would be limited, it would erode the open character that is a feature of the setting of the Listed Buildings.
16. This is a concern given that the importance of undeveloped space to the rear of the Listed Buildings in defining their historic significance. Some screening would also be offered by structures in the gardens of the Listed Buildings. However, this effect would be small owing to their scale.
17. In reaching this view, I have had regard to the screening effect offered by landscaping in between the Listed Buildings and the appeal site. However, this would not completely mitigate against the form of the proposed dwellings, owing to their mass and positioning. In addition, the screening effect offered by the trees would vary over time depending on the season and, potentially, health of the trees. Therefore, the presence of landscaping does not represent satisfactory mitigation.
18. In consequence, the proposed development would have an adverse effect upon the setting of the Listed Building's due to an increase in the level of built form, which would result in an urbanising effect.
19. As I have found that the setting of the Listed Buildings contributes to their significance, the proposed development would have an adverse effect on the character and appearance of the Listed Buildings.
20. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the Listed Buildings. The development, in this regard, would conflict with Policies HQ/1 and NH/14 of the Local Plan and the SPD. Amongst other matters, these seek to ensure that new developments sustain and enhance the significance of heritage assets, including their settings; and conserve or enhance important historic assets.

Other Matters

21. The appellant in devising the current scheme has considered several different design approaches. Whilst this is a matter of note, it does not overcome the harm as previously identified.
22. My attention has also been drawn to an appeal decision in Norfolk. I do not have the full planning circumstances relating to this development before me, which lessens the weight that I can attribute to it. Nonetheless, I note that the development is in a different area to the scheme before me. In consequence,

the likely differences in the character of the two areas means that this appeal decision does not overcome my findings in respect of the main issues.

23. I am aware that in submitting the application, the appellant was attempting to overcome the reasons for a previous refusal of planning permission. However, given that I have identified breaches in Development Plan policy arising from the proposal, this does not outweigh my previous concerns.
24. I note concerns raised by the appellant regarding the way the application was assessed by the Council. However, in assessing this appeal, I have limited my considerations to the planning matters before me.

Heritage Planning Balance

25. The harm that would occur to the special interest of the listed buildings and the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, less than substantial harm should not necessarily be equated with a less than substantial planning objection, especially where the statutory tests have not been met.
26. In this instance, the public benefits are an increase in the local housing supply. However, the effect of this is limited owing to the number of units that have been included within the proposal and the fact that the existing dwelling would be lost. Economic benefits arising from the construction and occupation of the dwellings would be in small in scale and, in some instances, of a time-limited duration. Furthermore, benefits arising from the design in supporting environmental sustainability would be small-scale. In result, each of the public benefits associated with the development carries a limited amount of weight.
27. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the listed building (Sections 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990) and the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA (Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990), I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

28. The proposal would harm the character and appearance of the CA and would have an adverse effect on the character and appearance of the surrounding Listed Buildings. This would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed, and planning permission refused.

Benjamin Clarke

INSPECTOR