
Appeal Decision

Site visit made on 1 April 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 24 May 2021.

Appeal Ref: APP/H0520/W/20/3262053

Land South of Hill Close, Brington, Cambridgeshire

- 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 Andrew Girvan, Campbell Melhuish and Buchanan Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 20/00012/FUL, dated 23 December 2019, was refused by notice dated 26 August 2020.
 - The development proposed is the erection of 4 new bungalows and 2 new chalet bungalows, visitor parking, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Girvan, Campbell Melhuish and Buchanan Ltd against Huntingdonshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 6-16 The Green in relation to privacy.
4. A third reason for refusal related to the absence of a Section 106 agreement to provide affordable housing, orchard land and wheeled bins but this has now been agreed and signed by the parties.

Reasons

Character and appearance

5. The proposal is for a group of four bungalows and two chalet bungalows on a rectangular area of land between Hill Place and The Green, two separate groups of housing forming part of a single development which has recently been built to the north of the main village. The site is currently disused and fenced off having been the building site compound but is included within the plans for the wider development as an area of soft landscaping including an

orchard¹. This was due to be implemented by March 2020 but the works were put on hold by the appellant pending the outcome of this application². This is the use of the site against which the proposal must be assessed.

6. The northern area of housing, Hill Place, comprises a redevelopment scheme of 40 detached and semi-detached houses with some bungalows on a site previously occupied by 40 Ministry of Defence properties. When permission was granted for this in 2014 (Ref 13/00679/FUL) a further 16 dwellings were permitted as a rural exception scheme on the southern area, now The Green, previously a sewage treatment works, allotments and pasture. The affordable units³ were then distributed across the overall 56 dwelling scheme to ensure a mixed community and the whole development was set amongst extensive areas of landscaping and public open space. The appeal site is currently planned to form part of this network of open space with the approved site layout plans showing the area as soft landscaping interspersed with trees⁴. According to the Council, the area is intended to be a community orchard.
7. Brington is defined as a 'small settlement' in the Huntingdonshire Local Plan 2019 (the HLP) where Policy LP9 allows development within the built-up area where the amount and location of the proposal meets three criteria. The HLP leaves the definition of the built-up area to be determined on a site by site basis. Given the planning history set out above The Green could be said to be an exception site outside the built-up area of Hill Place but a more pragmatic interpretation is that the appeal site falls within the built-up area as it 'relates more to the group of buildings rather than to the surrounding countryside', the definition in HLP paragraph 4.84. It does not follow however that the proposal is necessarily acceptable in principle because the site forms part of the planned landscaped context of the overall development and other policies apply.
8. Brington is a small, relatively loose knit settlement with a scatter of historic and later buildings around the church and old manor house well to the south of Hill Place/The Green and beyond this some 20th century frontage housing on either side of Church Lane as far as the school. The village is thus not a single, concentrated built-up area but rather groups of housing separated by areas of undeveloped land. The appeal site, by separating Hill Place and The Green with an area of landscaped treeplanting as planned, would complement the built form of the village whereas the proposal would create an unduly large continuous built-up area out of character with the rest of the village.
9. On approaching the Hill Place/The Green development from Brington Road the appeal site, once laid out, would form an attractive feature separating the two groups of houses, emphasising the rural, more dispersed built-up nature of the area rather than presenting as a single, relatively isolated housing estate in the countryside which would result if the site is infilled with more buildings. The site, once laid out, would also provide a pleasant route for the public right of way, an attractive outlook for Nos 45-53 Hill Rise and avoid a sense of built-up enclosure behind Nos 2-16 The Green. The overall concept of the development is of two high quality groups of housing set in extensive areas of open space within an overall rural setting and the proposal would unduly compromise this spacious layout.

¹ Appeal statement of case paragraph 2.16.

² March 2020 date from committee report paragraph 7.16.

³ 12 of the 16 as 4 were agreed to be market housing to cross-subsidise the affordable units.

⁴ Drawing nos. 2012/35-02r.1 and 2012/35-60a

10. In addition, the two existing groups of houses comprise predominantly two-storey dwellings with only an occasional bungalow. In this context the proposal for a relatively uniform line of bungalows in the middle of the overall scheme would fail to integrate with the wider development, both appearing out of place and a clear afterthought.
11. The appellant argues that the overall scheme included an 'overprovision' of open space and thus the loss of the appeal site would be acceptable, a view shared by the Council's operations team. However, the open space standard is not a maximum and a scheme may quite properly include a generous level of provision to improve its overall attractiveness and to be more in character with its rural setting as in this case.
12. As part of the current scheme the appellant proposes to provide a replacement community orchard on a narrow sloping strip behind the new bungalows and to the rear of Nos 2-16 The Green, on land to the west of the bungalows and on additional land to the north of the approach road from Brington Road. Whilst this would result in a net gain of land, orchard trees and biodiversity, the latter area in particular would be poorly related to the overall development and would not perform the same function of separating Hill Place and The Green in visual and spatial terms.
13. For these reasons the proposal would significantly harm the character and appearance of the area in conflict with HLP Policies LP2, LP9(c), LP11, LP12 and LP32. These seek to protect the character of existing settlements, only allow development in the built-up area of Brington that protects the character of the immediate locality and the settlement as a whole, seek to ensure distinctive, high quality and well designed places, require proposals to successfully integrate with adjoining buildings and only allow the loss of an area of open space of public value where there would be no significant adverse impact on the character of the surrounding area.

Living conditions

14. The rear facing bedroom and kitchen windows of the four bungalows proposed on plots 3-6 would look towards the rear elevations and rear gardens of Nos 6-16 The Green. As the proposed bungalows would be on significantly higher ground and the properties in The Green are of two storeys, the line of sight from the bungalows would affect first floor bedroom windows rather than those on the ground floor. However, the back-to-back distance would range from 29.7 m to 34.8 m, well in excess of the minimum separation distance of 21 m required by the Council's design guide. Although the height differential would increase the sense of overlooking and loss of privacy, this would be mitigated by the single storey nature of the development and the fact that tree planting is proposed on the sloping strip of land between the respective back garden fences. This would also minimise any overlooking from the rear gardens of the bungalows.
15. For these reasons the proposal would not significantly harm the living conditions of the occupiers of Nos 6-16 The Green in relation to privacy and would comply with HLP Policy LP14. This requires that a high standard of amenity is maintained for occupiers of neighbouring buildings, in particular avoiding overlooking that causes a loss of privacy.

Other matters

16. A number of representations supporting the proposal have been received from the occupiers of Nos 2-16 The Green on the basis that landscaped open space with treeplanting would itself lead to concerns of a lack of privacy from users of the area being able to look into rear facing windows and rear gardens from the higher level ground immediately behind their properties. There could also be security concerns and potential antisocial behaviour. However, with an appropriate planting scheme on the sloping land and the site as a whole, together with suitable site management, there is no reason why this would be a significant problem and there is no evidence of serious crime and antisocial behaviour in this rural location. The site would be overlooked by Nos 45-53 Hill Rise providing natural surveillance and would also be under the control of a management company directly responsible to local residents who could take any necessary steps to mitigate any issues that might arise.

Conclusion

17. The proposal would provide six additional dwellings, including two affordable dwellings, which would make a useful contribution towards local housing needs and would offer social and economic benefits for the village. In addition, there would be a larger orchard and a net gain in biodiversity. However, these material considerations do not outweigh the adverse impact on the character and appearance of the area as a result of the loss of the planned open space and treeplanting, whether or not laid out as a community orchard, nor the resulting conflict with the development plan when considered as a whole.
18. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR