



## Appeal Decision

Site Visit made on 1 June 2021

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> June 2021**

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**Appeal Ref: APP/H0520/W/21/3269668**

**6 Abbey Road, Ramsey, Huntingdon PE26 1DF**

- 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 Samuel Poupinet against the decision of Huntingdonshire District Council.
  - The application Ref 20/01480/FUL, dated 3 August 2020, was refused by notice dated 8 February 2021.
  - The development proposed is detached 3 bedroom 1.5 storey dwelling to rear of existing semi detached dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are: -
  - whether the proposed development would preserve or enhance the character or appearance of the Ramsey Conservation Area, including the effect on trees therein;
  - the effect of the proposed development on the living conditions of the occupiers of 6 Abbey Road, in respect of privacy and outlook; and
  - whether suitable provision would be made for refuse wheeled bins.

### Reasons

*Significance of the conservation area, including the site and its surroundings*

3. The appeal concerns an existing two-storey semi-detached dwelling and its garden, situated to the eastern side of Abbey Road and close to the eastern edge of Ramsey. The site is situated within the Abbey Environs subdivision of the Ramsey Conservation Area (RCA).
4. The significance of the RCA is principally derived from the contribution made by architectural and townscape qualities of the buildings and spaces within that have developed through the different periods of the growth and development of the town, including neighbourhoods developed since the 18<sup>th</sup> Century. However, Ramsey Abbey is perhaps the most imposing and architecturally significant building and has prominence due to its visibility across extensive open grounds.
5. The Abbey Environs are generally spaciouly arranged with buildings predominantly being set back of wide streets and within gardens of some

length and/or width. These attributes are consistent with the wider context of the grounds of Ramsey Abbey and the neighbouring Abbey College, both of which are to the north of the site. The Ramsey Conservation Area Character Assessment (RCACA, 2005) identifies that the biggest threat to the quality of this locality is the erosion of its spaciousness. It recommends that development that harms open views or a sense of space must be considered very carefully. Despite the presence of new dwellings in Parkholme Gardens behind the frontage of Hollow Lane, the gardens of properties remain fairly extensive and predominantly only feature outbuildings and other ancillary structures.

6. The existing dwelling within the appeal site is one of six arranged in pairs with a frontage to Abbey Road and rear gardens incorporating mature tree and hedge planting. There are several trees to the front and rear of the site and neighbouring garden that are protected by their presence within the RCA, these are predominantly mature and create a verdant setting to this part of the RCA.
7. The undeveloped qualities of the rear garden of the dwelling and the low scale of its garage and outbuilding maintain visibility of the spacious and verdant backdrop of the surrounding dwellings when viewed from the surrounding area. The garden also provides a break between the dwellings in Abbey Road and those found to the east.
8. Together the aforementioned features, particularly the frontage character of dwellings in Abbey Road, the undeveloped qualities and views available across the site, and the height, visual prominence, and aesthetic value of the trees within it, make positive contributions to the character and appearance of the RCA and, thereby, its understanding and significance.

*Effects of the proposal on the character and appearance of the conservation area*

9. The location of the proposed dwelling behind No 6 would substantially reduce the depth of the garden of that property and occupy a significant proportion of the proposed plot. This would jar with the coherent frontage pattern of development found in the street and, despite accommodation being in its roof space, it would stand out as a prominent built incursion, that would appear cramped in comparison to existing dwellings. It would also intrude into the verdant backdrop created by the gardens of the properties in this street.
10. There is some variance to the form and design of other dwellings found nearby, particularly those to the east and west, some of which have been altered and extended. While the proposed dwelling would be different to those in Abbey Road, given the extent of architectural detailing, the quality of its composition and the use of a carefully selected palette of materials, with high environmental standards, the proposed dwelling would not, of itself, be harmful to the appearance of the RCA. Similarly, parking to the front of No 6 would not be a new feature, so would also not be harmful in this respect.
11. The proposal would also lead to the reduction of hard surfacing within the site and the removal of the existing garage, but the former is primarily only visible within the site and the latter is small in scale and largely unassuming. By contrast the proposal would be significantly more prominent.
12. The appellant has drawn my attention to several other developments also consented by the Council, in sites at Blenheim Road, Bury Road, High Street and Newtown Road. While these would also appear to relate to backland

development, they are situated within different subdivisions of the RCA, so would relate to other distinct qualities of their locations. They would therefore not be wholly comparable with the appeal scheme before me.

13. I have already discussed the dwellings to the east, in Parkholme Gardens, but it appears that these were developed in the more extensive gardens of properties in Hollow Lane, which are of a significantly greater depth than those in Abbey Road. Based on the evidence before me and from what I observed on my site visit, they also appear to be more spaciouly arranged than the appeal proposal, so are not comparable with it.
14. I have also been referred to works in connection with the adjacent college, including the introduction of gates, and lighting to the bus turning area and tennis courts. While these works are all in close proximity of the appeal site and also situated within the RCA, they are not comparable in form to the appeal proposal.
15. Despite my findings in relation to the individual design of the proposed dwelling, the proposal would introduce development that would have a significantly detrimental effect on the character and appearance of the site and its surroundings and how it contributes to this part of the RCA, including its understanding and significance as a heritage asset.

#### *Effect on trees*

16. The trees within and adjoining the site are annotated on the application drawings and the proposed dwelling would be situated between Category B trees. The appellant's Arboricultural Impact Assessment (AIA) suggests that these trees will be retained but acknowledges that there will be implications for them. Since the AIA was produced it appears that the Walnut tree to the northern boundary has been substantially reduced, to the point that it would no longer constrain the development. I have therefore contained my assessment of the effect on trees, as identified in the Council's third Reason for Refusal, to those remaining within and adjoining the site.
17. The Corkscrew Willow to the southeast would shade the garden of the proposed dwelling for part of the day. While this would not differ to the existing situation, the garden is more extensive and open beyond No 6 and the tree would combine with others to the west and the proposed dwelling to cast shadow over its garden. This would lead to unacceptable living conditions for future occupiers and potential pressure from them to remove/reduce the tree in respect of shadowing or other considerations such as nuisance from leaf litter and perceived or actual hazards to the dwelling in high winds. This is one of the principal reasons that buildings, especially residential properties, are not sited in close proximity to trees.
18. Based on the evidence before me, there is a significant prospect that the risk to the Corkscrew Willow tree from potentially harmful works or removal is not just a generalised fear but a realistic and specific concern that would harm the character and appearance of the RCA.

#### *Public benefits and conclusions on the first main issue*

19. 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.

20. While the harm to the significance of the RCA that would result from the proposal would be localised, it would contribute to the erosion of its distinctive character and appearance, which would negatively effect 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 the asset. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes securing an optimum viable use.
21. The proposal would provide a single dwelling within an existing built-up area, but the contribution to the supply and mix of housing would be modest in its extent, so this benefit would be afforded limited weight. I am also mindful that the appellant has not disputed that the Council can demonstrate five-years supply of deliverable housing land.
22. The benefit of the thermal efficiency of the proposed dwelling would be largely a private benefit restricted to its occupiers, albeit that there would be a limited public benefit in terms of the minimisation of energy consumption.
23. Taken together, the public benefits would not justify allowing development that would fail to preserve or enhance the character and appearance of the RCA. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.
24. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character and appearance of Ramsey Conservation Area, including trees therein. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 8(c), 127(f), 130, 192, 193, 194 and 196 of the Framework and conflicts with the aims in respect of design, heritage, living conditions of future occupiers of the development and trees, as expressed in Policies LP2, LP11, LP12, LP14, LP31 and LP34 of the Council's Local Plan<sup>1</sup>; Page 66 of the Huntingdonshire Design Guide<sup>2</sup>; and Parts C1, C2 and I1 of the National Design Guide.
25. I have not found harm in respect of paragraph 189 of the Framework, as I am satisfied that the appellant made sufficient attempts to consider the potential impact of the proposal on the RCA.

### *Living Conditions*

26. The proposed dwelling has been designed with some of its accommodation within the roof space meaning that its overall size, scale, and height would not be as considerable as a conventional two-storey dwelling. However, the size, scale, and height of the proposal in close proximity of the rear boundary of the remaining garden of No 6, would appear oppressive in the outlook from it.

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<sup>1</sup> Huntingdonshire's Local Plan to 2036 (May 2019).

<sup>2</sup> Supplementary Planning Document – 2017.

Furthermore, I acknowledge that the proposal would only incorporate one area of glazing at first floor facing No 6, to the landing of the proposed galleried entrance. While this would not be comparable to a habitable room, the glazing to it would be so extensive that it would enable occupants of the proposed dwelling to overlook the garden and rear elevation of the host dwelling.

27. I accept that the Council has not raised concerns with respect to compliance of the proposal with the 25-degree test referred to in the Huntingdonshire Design Guide or the extent of usable external space provided for the occupants of No 6 or the proposed dwelling. The appellant has also referred to the test in the context of outlook, but it relates to the effects of development on daylight, sunlight and overshadowing and only for dwellings, not their gardens. It is not therefore applicable to the harms referred to above.
28. In light of the above, I conclude that the proposed dwelling would have an unacceptably harmful effect on the living conditions of the occupants of the host property, 6 Abbey Road, in respect of privacy and outlook. Hence, the proposal would be contrary to the aims in respect of living conditions expressed in Policy LP14 of the Council's Local Plan and paragraph 127 of the Framework.

#### *Refuse wheeled bins*

29. The Council requires that future occupants of new dwellings are provided with wheeled bins and it suggests that the financial contributions to meet the costs of waste and recycling bins are secured by virtue of a Unilateral Undertaking (UU) or other legal agreement. However, the UU submitted by the appellant is incomplete, as it does not include title number of the site or a red line plan relating to the extent of the site.
30. I therefore conclude that the proposed development would fail to make suitable provision for refuse wheeled bins. Hence, it would be contrary to Policy LP4 of the Council's Local Plan and The Huntingdonshire District Council Developer Contributions Supplementary Planning Document (2011).

#### **Other Matters**

31. The appellant has referred to the conduct of the Council in the determination of the planning application, including alleged support for the proposal, the extent of the assessment carried out by its officers, the availability of comments from its Conservation Officer, and inconsistencies in its decision-making. These are primarily not matters for me to consider as part of this appeal and I have considered the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

#### **Conclusion**

32. The proposed development would not comply with development plan policy in respect of harm to the character and appearance of the Ramsey Conservation Area, including the amenity value provided by trees within the site; the living conditions of occupiers of 6 Abbey Road; and the provision of refuse wheeled bins.
33. 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. Consequently, the proposal would therefore conflict with the

development plan and there are no other considerations, including the Framework, that outweigh this conflict.

34. For the reasons given, I conclude that the appeal should not succeed.

*Paul Thompson*

INSPECTOR