



Appeal Decision

Site visit made on 18 November 2021

by R W Allen B.Sc PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/H0520/W/21/3276300

5 Common Lane, Hemingford Abbots PE28 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Brian Hudson against the decision of Huntingdonshire District Council.
 - The application ref 20/01607/OUT, dated 24 August 2020, was refused by notice dated 4 December 2020.
 - The development proposed is to demolish all existing buildings and the foundations and to construct eight new dwellings with a garage on the existing site, including repositioning the existing access road and constructing a new access road and pedestrian sidewalk.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline form with all matters reserved for future consideration. However, floor and elevation plans of the proposed units and a layout plan of their arrangement across the site are before me. While a useful guide to indicate both how the proposed units would be accommodated and of their general appearance, I nevertheless shall treat these drawings as indicative only.
3. The Council's fourth reason for refusal concerns the failure of the appellant to make provisions for wheeled bins. However, no obligation is before me and neither main party has advanced the possibility of whether this matter could be controlled by way of a planning condition. Because the appellant is otherwise in agreement to making this provision, and that I am dismissing the appeal anyway on the more substantive matters at hand, I find it not necessary for me to deliberate on this matter further in this decision.

Main Issues

4. Therefore, the main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Hemingford Abbots Conservation Area and the wider locality;
 - whether the appeal site would be subject to increased risk of flooding; and

- the effect of the proposed development on the living conditions of its future occupiers and to surrounding neighbouring properties.

Reasons

Effect on the conservation area and general character

5. The appeal site contains a detached property with a large rear garden, although this land is primarily used in connection with the appellant's commercial business. It contains numerous small-scale outbuildings which are used for the storage of wood and other materials as well as some workshops. The only grassed area is used for the parking for commercial and other vehicles.
6. The main parties agree that the appeal site lies within the Hemingford Abbots Conservation Area. The Council's Character Assessment¹ states that the neighbourhood has developed over time with a very regular grain which gives it a pleasing uniformity. I observed and appreciated this on my site visit, and concur that this layout, amongst other things, strongly and positively contributes to the significance of the Conservation Area.
7. I can understand why the appellant considers the outbuildings are unsightly. And while there are many of them, perhaps more than what would ordinarily exist in a conventional garden, I nonetheless read them collectively as subservient to, and in connection with the main residence and thus not out of character with the area.
8. With that in mind, I do not share the appellant's view that the replacement of the outbuildings with dwellings, arranged in the manner of the submitted plan, would in any way replicate the existing relationship. Instead, the indicative layout plan suggests that the quantum of development proposed would result in a reasonably dense and cramped housing estate with little gaps in the layout. The sea of buildings would erode the site's openness and notably interrupt the established pattern of the locality through the severance a frontage building and its rear garden. The proposed development would, in short, be wholly inconsistent and incongruous with the surrounding grain and character.
9. The proposed development would amount to less than substantial harm for the purposes of paragraph 202 of the Framework². When such circumstances occur, the Framework requires a balance is struck between the public benefits of a scheme and the identified harm.
10. The appellant states that the replacement of eyesore buildings would not only improve its appearance but would bring families into the area and make the population more diverse, and that the variety of properties on offer would meet that need as well as being self-build and environmentally friendly. However, all of these assertions are unsubstantiated in evidence and it has not been identified that repopulating the area is a particular local need or policy requirement. In any event, I find these benefits to be negligible, and insufficient to outweigh the less than substantial harm I have identified.

¹ Hemingford Conservation Area Character Assessment 2008

² The National Planning Policy Framework (July 2021)

11. The proposed development would not preserve or enhance the character or appearance of the Conservation Area and the village as a whole. It would be contrary to Local Plan³ policies LP2, LP9, LP11, LP12 and LP34. Collectively, these state that development must protect the character of existing settlements and respond positively to, and successfully integrate with its surroundings, and to conserve and enhance the historic environment. It would also conflict with the Council's guidance and the relevant parts of the Framework. In reaching this conclusion, I have discharged my statutory duties under the 1990 Act⁴.

Effect on flood risk

12. I note the content and assessment of the appellant's flood risk assessment is based on the premise that the appeal site lies within Flood Zone 1. This conclusion is based on a set of Environment Agency (EA) maps which purport to illustrate that the higher risk areas of flooding do not envelope the appeal site, and neither was the site subjected to flooding in what appears to be two major incidents in the years 1947 and 1998.
13. However, the EA maps only tell the first of a two-part story. While the EA is responsible for flooding from rivers, the sea and reservoirs, responsibility for local and all other sources of flooding rests with lead local flooding authorities. Indeed, paragraph 160 of the Framework reinforces this point. It states that *"strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources [and] should consider cumulative impacts in, or affecting, local areas susceptible to flooding and to take account of advice from the EA... [and]... lead local flood authorities"*.
14. Here, the Strategic Flood Risk Assessment for Huntingdonshire maps (SFRA) illustrates that, when adding in all factors, the appeal site sits largely within Flood Zone 2. Furthermore, paragraph 167 of the Framework and its footnote 55 state that when development is proposed within Flood Zone 2, it should be subjected to a sequential and, if necessary, an exception tests to determine whether any more suitable sites for development exist.
15. The appellant's flood risk assessment does not mention or refute the SFRA. It is for this reason that I find that the appellant's position in respect to the site being in Flood Zone 1 is rather one sided, and I cannot conclude with any degree of certainty that its reasoning for the absence of sequential and exception tests are sound.
16. I therefore conclude that it has not been demonstrated that sequentially preferable sites exist for the proposed dwellings. The proposed development conflicts with Local Plan policy LP5. This states that proposals will only be supported where all forms of flood risk have been addressed and that sequential and exception tests are passed and all reasonable opportunities to reduce overall flood risk have been considered. It would also conflict with the Council's guidance and the relevant parts of the Framework.

Living conditions

17. The indicative layout plan illustrates that seven of the proposed eight dwellings would be positioned alongside the boundary with No 7 Common Lane. Given

³ Huntingdonshire Local Plan to 2036 (May 2019)

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990, s66(1) and 72(1)

the shape of the appeal site and the quantum of dwellings sought, I do not see any practical alternatives to this arrangement style. The application form is ambiguous at best as to the nature of what the dwellings would be. However, the indicative floor plans suggest that two-storey dwellings would be proposed with additional accommodation contained within the roof spaces.

18. I note that the current boundary to No 7 Common Lane is well screened. Nevertheless, I am not persuaded that it is of a sufficient height and substance to prevent the outlook and privacy amenities currently enjoyed by the occupiers of the neighbouring property from being significantly eroded by the proposed development. But even if it were, the screening could be removed or excessively pruned by the future occupiers of the proposed dwellings, which I find would be an inevitability given the proximity of the proposed dwellings to the boundary, and the likely effect it would have on their living conditions in respect to light and shadowing. A change in the layout at reserved matters stage could equally inflict the same effects to the occupiers of No 3A Common Lane. Because of this, it would not be reasonable to impose a planning condition seeking to prevent the removal of the screening.
19. The indicative layout plan illustrates that the proposed properties would have relatively small plot sizes, with some left with arguably unusable spaces. However, because layout is a reserved matter, I accept that it may be possible to alter the positioning and sizes of the proposed dwellings such that the gardens would be of a sufficient and acceptable size. I therefore do not find against the scheme on this point. However, even if this were possible, it would not alter my judgement on the cramped and incongruous nature and the harm it would cause to the surrounding character that I have found above.
20. The proposed development would formalise an access road into the site. However, on the evidence before me, I concur with the appellant that, taking into consideration the existing use and current movements, the proposed development would not likely lead to any undue increases in levels of noise and disturbances to the surrounding residential properties.
21. Taking all of the above into consideration, I find that the proposed development would harm the living conditions of the future occupiers of the proposed properties and to the neighbouring dwellings. It would conflict with Local Plan policy LP14. This states that development is required to ensure adequate availability of daylight and sunlight for the proposed use by minimising the effect of overshadowing and the need for artificial light, and to ensure that physical relationships are not oppressive and will not lead to a loss of privacy. It would also conflict with the relevant parts of the Framework.

Other Matters

22. I note that the appeal site lies opposite to Walden Cottage, which the Council states is a Grade II listed building. The listing description describes it as an early nineteenth century cottage, of a timber framed and rough-case construction and thatched roof with symmetrical windows and Gothic arched heads above transom at both floor levels. It is a charming and attractive dwelling which is highly prominent in the street, and its setting within it positively contributes to its significance.
23. However, I am satisfied the location of the proposed development would be sufficiently distant and would not interrupt or distract views of the property

from the street, or negatively affect how the building is appreciated. I am satisfied that the listed building's significance would be preserved. I have similarly reached the same conclusion regarding other and more distant listed buildings in the locality. In reaching this decision, I have similarly discharged my statutory duty under the 1990 Act.

24. Concerns have been raised in respect to the absence of information on tree and ecology surveys. However, these have not been substantiated in evidence before me. In respect to trees, the appellant's tree survey report dated 20 May 2020 appears to me to be a comprehensive assessment and I have no reason to doubt its findings. The Council has, in any event for both issues, raised no objection. I am satisfied that the imposition of conditions could in any event ensure that in these instances, such matters could be adequately controlled and/or mitigated.

Conclusion

25. For the reasons given above, I conclude that the appeal is dismissed.

R. Allen

INSPECTOR