



Appeal Decision

Site visit made on 20 December 2021

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

Appeal Ref: APP/W0530/C/21/3277342

Dogrose Barn, Green Street, Willingham, Cambridge, CB24 5JA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Richard Rose of RCG Construction Limited against an enforcement notice issued by South Cambridgeshire District Council.
 - The notice was issued on 20 May 2021.
 - The breach of planning control as alleged in the notice is without planning permission: -
 - (i) Construction of extensions
 - (ii) Alterations to roof
 - (iii) Construction of an annexe building.
 - The requirements of the notice are to:
 - (i) Remove unauthorised extensions on the western elevation, re-instating the original eaves line and roof profile of the barn
 - (ii) Remove the unauthorised annex building marked as studio/hayloft store on plan 19/1324/PL02 Rev E, submitted with application reference 20/04414/FULOr
 - (iii) Construct the development as planning approval reference S2436/06/F.
 - The period for compliance with the requirements is within 4 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended (the Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed insofar as it relates to the construction of an annexe building and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the construction of an annexe building at Dogrose Barn, Green Street, Willingham, Cambridge, CB24 5JA.
2. The appeal is dismissed, and the enforcement notice is upheld insofar as it relates to the construction of extensions and alterations to the roof of Dogrose Barn and planning permission is refused in respect of the construction of extensions and alterations to roof at Dogrose Barn, Green Street, Willingham, Cambridge, CB24 5JA deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. As the building which is the subject of the appeal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act).
4. The appellant offered to submit amended plans involving the removal/infilling of the balconies on the rear elevation and replacement with low windows and

Velux windows. This suggestion was made during the arrangements for my site visit well after the date by which final comments had been invited (13 September 2021). I declined to accept amended plans as it would have either delayed the determination of the appeal or deprived people who should be consulted of the opportunity to comment. Amended plans were not submitted and I determined the appeal on the basis of the development as it has been carried out.

Ground (a) and the Deemed Planning Application (DPA)

5. An appeal under ground (a) is on the basis that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issues

6. The main issues are the effect of the development on:
 - the character of the barn and the character and appearance of the local area bearing in mind the special attention that should be paid to the extent to which the development preserves or enhances the character or appearance of Willingham Conservation Area (CA); and
 - the living conditions of the occupiers of 9, 11 and 13 Long Lane, 4 Green Street and 64 Church Street, with particular regard to privacy.

Reasons

Character and appearance

7. Dogrose Barn lies behind Nos. 4 and 6 Green Street close to the edge of the CA and in terms of its position it is at odds with the surrounding street facing development. Views of the building are limited by existing development nevertheless it is visible between adjacent dwellings and it contributes to the character and appearance of the CA.
8. The enforcement notice relates to two elements of Dogrose Barn, the rear elevation and a linked annexe building which is attached to the barn and an adjacent building which falls beyond the site boundary.

Dogrose Barn

9. The rear elevation of Dogrose Barn is significantly different from that which was permitted under planning approval reference S/2436/06/F. As approved the converted barn was to have front and back walls of significantly different heights resulting in an asymmetrical roof profile with a steeply pitched rear roof falling to low eaves at a constant slope. As constructed the barn has front and rear walls of a similar height, which has significantly increased the eaves height to the rear wall and substantially changed the roof profile to a lower angle with a step change at its midpoint.
10. In addition to the change in roof profile the appearance of the rear elevation of the barn is significantly different to that which was approved as a result of the introduction of two inset balconies and full height windows at first floor level.
11. Drawing all of these points together the main building on the site has a much more inherently domestic appearance than would have resulted from the

implementation of the approved scheme. In particular the roof profile change has resulted in a degradation of the essential character of the building as a converted barn.

12. The Council consider that the approved scheme kept the character of the barn intact but that the changes have altered its character to the extent that they cause harm to the CA.
13. By contrast the appellant considers that the changes made to the barn in comparison with the approved plans do not have a harmful effect on the CA. Their reasoning is based on the lack of historic interest of the original barn save for the internal beams.
14. The barn is not listed nor is it specifically referred to in the Willingham Conservation Area Appraisal (1999) (the CAA). However, it is part of the evolution of the village and contributes to the variety of architecture which is acknowledged in the CAA as being a striking feature of Willingham. The change in the appearance of the building fundamentally alters its character and the contribution which it makes to the CA. Whilst of limited visibility in the public domain the changes are prominent in views from the private domain. On this basis the works have resulted in harm to the CA which is a designated heritage asset.

The Annexe Building

15. The annexe building as approved was a single storey building, by contrast what has been constructed is a steeply pitched building with useable space at first floor level.
16. The attached building abutting the annexe, but outside the site, has been altered since planning permission was granted for the barn conversion and its eaves and ridge height have been increased. This has changed the context within which the annexe is sited.
17. The Council's reasons for serving the notice reflect its view that the annexe as built is poorly related in scale to Dogrose Barn and that it is not sufficiently subservient to it. The Council says that this is harmful to the character of the CA.
18. To its ridge the annexe building is significantly taller than shown on the approved plans and it exceeds the front eaves height of Dogrose Barn which the building shown on the approved scheme did not. However, its footprint is substantially smaller than the barn and its eaves height is consistent with the adjacent building as altered.
19. I observed during my site visit that there are other outbuildings in the area which are of a significant size and have steeply pitched roofs, most notably that at No. 9 Long Lane. This building is annotated as a listed building in the CAA. Given this context I do not find the character or appearance of the annexe building as constructed to be harmful to the CA.
20. Given the above, I find that whilst the construction of the annexe building does not result in harm to the CA, the extensions and alterations to Dogrose Barn are detrimental to the character of the building and do not preserve or enhance the character or appearance of the CA.

21. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given that the development would not result in the loss of the barn, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
22. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because he argues that if Dogrose Barn had been converted as approved it would have resulted in a cramped living environment and restricted use of space on the first floor.
23. The roof profile of the original barn would have constrained the use of internal space as is shown on the approved plans. Nevertheless, the original design delivers substantial living accommodation, albeit possibly not in the configuration desired by the appellant. Consequently, this argument amounts to a private benefit and it is not sufficient to outweigh the harm that I have identified.
24. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the extensions and alterations to Dogrose Barn would fail to preserve the character or appearance of Willingham Conservation Area. This would fail to satisfy the requirements of the LBCA Act, paragraph 197 of the Framework and conflict with policies HQ1 and NH14 of the South Cambridgeshire Local Plan (2018) (the Local Plan) that seeks, among other things, to ensure that development conserves important historic assets and sustains and enhances the special character and distinctiveness of the district's historic environment. As a result, the development is not in accordance with the development plan.

Living conditions

25. The private amenity spaces to the rear of 9, 11 and 13 Long Lane share a boundary with the appeal site. Two of these properties are bungalows with no outlook from first floor level and the third appears to be a converted barn with windows at upper level. The balconies and large clear glazed windows which have been introduced to the first floor of Dogrose Barn facilitate views towards the ground floor rear windows of the bungalows and the windows in the rear elevation of the converted barn. Given the separation distances involved these views are intrusive and have a detrimental effect on the privacy of the occupiers of Nos. 9, 11 and 13 Long Lane.
26. First floor windows have also been introduced under the eaves of Dogrose Barn. As a result of their position, they do not readily afford views of Nos. 9, 11 and 13 upon entry to the room they serve. However, a seated person or a child would have a clear view of the rear windows in No. 13 in particular causing a loss of privacy.
27. When I visited the site there were few leaves on the mature trees along the boundary with 9, 11 and 13 Long Lane. In the warmer months when these

trees are in leaf, they would provide a degree of natural screening. However, this would not occur year round.

28. The appellant refers to the South Cambridgeshire District Design Guide (the SCDG) and argues that the distances between Dogrose Barn and adjacent dwellings exceed the minimum suggested by the SCDG. I have not been provided with a copy of the SCDG, however on the basis that it is guidance and not planning policy and reference is made to minimum distances, in this case I find that the actual separation distances are insufficient to protect the amenity of neighbours.
29. With regard to overlooking of the gardens serving 9 Long Lane, 64 Church Street and 4 Green Street from the annexe building, I was able to observe that such views were possible during my site visit. However, the windows themselves are smaller and there are no balconies which results in the presence of these windows not having a significant impact on the privacy of the occupiers of those dwellings.
30. Drawing all these points together, I conclude that whilst the annexe building has a satisfactory effect on the living conditions of the occupiers of adjacent dwellings, the extensions and alterations to Dogrose Barn have a harmful effect on the living conditions of the occupiers of Nos. 9, 11 and 13 Long Lane. The development is therefore contrary to Policy HQ/1 of the local plan which seeks to protect the amenity of occupiers from development that is overlooking.

Conclusion

31. I have found that the extensions and alterations to Dogrose Barn have a harmful effect on the character of the building such that it does not preserve or enhance the character or appearance of the CA and that works which have been carried out result in a harmful degree of overlooking of the occupiers of Nos. 9, 11 and 13 Long Lane. However, in respect of the annexe building, the construction of this building does not have a harmful effect on the CA and does not adversely affect the living conditions of adjoining occupiers.
32. The construction of the annexe building is severable from the works to Dogrose Barn, therefore I can issue a split decision which will allow that element of the development to be retained as built.
33. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for the construction of the annexe building, but otherwise I will uphold the notice and refuse to grant planning permission in respect of the construction of extensions and alterations to the roof of Dogrose Barn. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act.

Sarah Dyer

Inspector