



Appeal Decision

Site visit made on 11 January 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/W0530/W/21/3274766

The White Horse, 3 High Street, West Wickham CB21 4RY

- 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 & Mrs Philip & Sarah Jordan against the decision of South Cambridgeshire District Council.
 - The application Ref 20/02565/HFUL, dated 1 June 2020, was refused by notice dated 16 November 2020.
 - The development proposed is the erection of a part 2 storey and part single storey residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Noting that there are various iterations of the plans, I have assessed the scheme before me on the basis of the plans considered by the Council in the determination of application Ref 20/02565/HFUL.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the West Wickham Conservation Area;
 - the effect of the proposed development on living conditions, with particular regard to outlook from the garden of 9 High Street; and
 - whether or not there is a reasonable likelihood of protected species being present and affected by the development.

Reasons

Character and appearance:

4. The proposal is a new dwelling on the former White Horse public house car park between 3 and 9 High Street. The site is within the West Wickham Conservation Area (WWCA), in respect of which I am required by statute to pay special attention to the desirability of preserving or enhancing its character of appearance. Paragraph 189 of the National Planning Policy Framework (the Framework) sets out how heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance.

Significance of the Conservation Area

5. West Wickham is principally a linear settlement which sits within an agricultural landscape. The WWCA is focussed on a cluster of dwellings and historic farmsteads to the south-west of the village. Historic agricultural buildings, farmhouses and cottages are interspersed with later additions to the built environment, and beyond them, the WWCA includes gardens and agricultural land. The area has a relaxed, low-density, rural character where properties sit comfortably within their plots, and the area features many trees and hedgerows, which contribute to its character. Gaps between buildings may once have provided glimpses of the surrounding farmed landscape. Existing gaps provide views of trees in the landscape, which reflect a rural, albeit more enclosed, context. Therefore, insofar as this appeal is concerned, the significance of the WWCA lies in its historic architecture and the layout of buildings in an agricultural or rural setting.

The effect of the proposal

6. The proposal would infill a gap between properties, which would, to some extent, erode the visual connection between the High Street and its rural environs. However, the appeal site is also seen as part of the built-up frontage at the southern end of High Street, rather than providing particular significance in terms of a connection between the settlement and its rural hinterland. Therefore, in principle, a degree of enclosure of this gap would not be intrinsically harmful.
7. The appeal proposal would be sited close to the highway, which would increase the sense of enclosure in the vicinity of the appeal site to an extent I consider contrary to the relaxed form and rural character of the area. In the immediate vicinity of the appeal site some dwellings are sited close to the highway, but a sense of space is retained through a combination of gaps between buildings and variation in the degree of setback from the road. That sense of space can be seen south and in front of No 3, on the undeveloped appeal site, and to a lesser degree between No 9 and No 9a.
8. I accept there are some similarities in terms of design of the proposal with the timber outbuilding at No 9, but that building is set back further, has little domestic character, and reads as an ancillary building subordinate in its design and siting to its host building. In contrast I consider the proposed building would be in a more dominant position closer to the road and appear neither as an historic barn, nor an ancillary timber building. Its siting and design would therefore be out of character with, and would fail to preserve, the character and appearance of the area.
9. The proposal would therefore conflict with the approach in the relevant elements of policies HQ/1, H16 and NH/14 of the South Cambridgeshire Local Plan (2018) (the SCLP) which, in summary, seek to ensure that proposals integrate appropriately with their surroundings. Similarly, conflict would arise with the aims of the Framework and the expectations of statute in that regard. Given the scale of the proposal, its surroundings, and as only part of the WWCA would be affected, that harm may fairly be described as less than substantial within the terms of the Framework. I consider the public benefits of the scheme relative to that harm below, in line with paragraph 202 of the Framework.

Living conditions:

10. I have described above how the area has a predominantly low-density rural pattern of development and thus levels of outlook are generally good. In that context No 9, the neighbouring property, abuts the High Street and therefore necessarily relies principally on its rear garden for outlook (although I acknowledge there is also some outlook to the front of the property across the High Street).
11. In that context the proposal would be located south and west of the garden of No 9. It would be significantly higher than the existing boundary wall. Whilst it would not breach a 45 degree line taken from the nearest ground floor window of No 9, it would nevertheless extend the full length of the rear patio to No 9 and beyond it. In doing so, it would introduce a sense of enclosure more akin to a north-facing courtyard, typical of denser urban areas rather than the rural environment found in West Wickham. It would therefore be at odds with the prevailing layout of the area, and I have been unable to identify any similar inter-relationships in the locality with properties comparably enclosed.
12. The proposal would therefore be harmful to the living conditions of the occupants of No 9, contrary to the relevant provisions of SCLP policies HQ/1 and H/16, which in summary seek to ensure good standards of amenity. In that regard the scheme would also conflict with the advice given in the South Cambridgeshire District Design Guide SPD (2010).

Ecology:

13. The Council state that no ecology assessment has been submitted to establish whether protected species are present on the land. They state that species records show that great crested newts, breeding birds, flowering plants, bat polecats, and hedgehogs have been recorded locally, including nearby bat roosts and a breeding population of great crested newts in nearby ponds.
14. SCLP (2018) Policy NH/4 requires applicants to submit survey information and a site assessment where there are grounds to believe a proposal may affect protected species, priority species or priority habitat. ODPM Circular 06/2005, which relates to biodiversity and geological conservation, states that, "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
15. The Council note that the site sits within the 'Impact Risk Zone' of a nearby 'statutory site', which is not specifically disputed. It also refers to a breeding population of great crested newts in nearby ponds, and I note there is a large pond between the appeal site and Pond Meadow Barn. There therefore appears to be a reasonable likelihood that protected species may be present and affected by the development.
16. The application was refused by the Council in November 2020 and the appeal was lodged in May 2021. The appellant therefore had some opportunity to carry out ecological assessments, particularly in relation to Great Crested Newts, for which surveys are typically carried out between March and June. They have not done so, and although the creation of a wildlife garden could go

some way towards meeting the general aims of Policy NH/4, it would not necessarily assist in preventing harm to species protected by law.

17. It has therefore not been demonstrated that the proposal would suitably safeguard ecology, in conflict with the relevant provisions of SCLP policy NH/4. I also note that the appellants argue principally about the necessity of undertaking such studies, but there is no substantive evidence rebutting the Council's position before me.

Other Matters

18. The appeal site is located opposite Willow Cottage (10 High Street), a late 17th Century timber-framed thatched cottage, which is a Grade II Listed Building. It also lies within the wider setting of other listed buildings including the Church of St Mary (Grade II*); Barn at Ivy Todd Farmhouse, Balsham Road (Grade II); Barn at Manor Farm, Balsham Road (Grade II); and Manor House, Balsham Road (Grade II). Notwithstanding the harm I have identified to the character of the Conservation Area, there are intervening trees and hedgerows between the appeal site and Willow Cottage, and the other sites are some distance from the appeal site. Considering the development proposed and the factors above, and as there is no indication that the appeal site is of historic value in other respects to those buildings, I consider the settings of these Listed Buildings would be preserved.
19. In favour of the development, the proposal would provide one additional dwelling in the village which is designated an 'infill village' in the South Cambridgeshire Local Plan (2018), and would make a small contribution to increasing the supply of housing in the District. It would make use of a presently vacant site, and I acknowledge that there have been historic permissions for development here and that the appellant intends to install solar panels as part of the scheme. Nevertheless, the benefits of one new dwelling would inevitably be limited, and that the proposal would seek to be energy efficient and provide some natural habitat would not offset the harm I have identified above.
20. Consequently, the harm to the Conservation Area would not be outweighed by the public benefits of the proposal.
21. Concerns have also been expressed by nearby residents about parking and highway safety, overlooking, drawing inaccuracies, boundary issues, fire concerns and other matters. Even were I to find that the development proposed were, or could be made, acceptable in all other respects these matters would not weigh positively in favour of allowing the appeal. Consequently, no other material considerations justify taking a decision other than in accordance with the relevant provisions of the development plan.

Conclusion

22. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR