



Appeal Decision

Site visit made on 4 October 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/H0520/W/22/3298708

26A Church Street, Yaxley PE7 3LH

- 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 Kevan Robinson against the decision of Huntingdonshire District Council.
 - The application Ref 21/00362/FUL, dated 16 February 2021, was refused by notice dated 24 December 2021.
 - The development proposed is the erection of a self-build detached dwelling and double garage with the demolition of the existing detached garage and a replacement double garage for the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council, in their appeal submission, has accepted that reasons for refusal 4 and 5 on the decision notice¹ could be dealt with by condition should the appeal be allowed. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the surrounding area;
 - whether the proposed dwelling would preserve or enhance the character or appearance of the Yaxley Conservation Area (CA); and
 - the effect of the proposed dwelling on the living conditions of the occupiers of No 24 Church Street, with particular reference to outlook and privacy.

Reasons

Character and Appearance

4. The appeal site is located in the village of Yaxley and comprises 26A Church Street, a detached two-storey dwelling set back from the road by a grass verge, in an elevated position. The dwelling occupies a large, irregular-shaped plot, with vehicular access taken from Wisteria Road to the rear. A single storey detached, modern garage is located centrally within the plot. On lower

¹ Planning reference 21/00362/FUL

land to the southeast is the detached dwelling, No 24 Church Street. From the evidence before me and from my own observations of the area, I am satisfied that the loss of the detached garage would not result in harm to the character, appearance or significance of the CA. Church Street slopes down towards Main Street and therefore the ground levels differ significantly between the dwellings located on this side of the road. The host dwelling and No 24 Church Street comprise large detached dwellings that are prominent within the street. A wide gap separates the two.

5. Wisteria Road comprises detached bungalows leading to a row of two-storey link-detached dwellings arranged beyond the turning head. The dwellings are modest in scale and simple in their design, particularly with regard to their roof slopes, which are uniformly low in pitch and absent of dormers. The dwellings have a uniform palette of materials comprising buff brick, concrete interlocking roof tiles and feature horizontal cladding, with shallow pitched roofs. Plots are varied in size and shape, but gaps between the dwellings are predominantly narrow.
6. The proposed dwelling would be sited within the rearmost section of the appeal site, closest to Wisteria Road. The dwelling would be L-shaped with the first floor accommodation located within a soaring, steeply pitched roof with pitched roof dormer windows. These features of its design would sit incongruously within the humbler Wisteria Road scene. It would occupy almost the full width of the plot. Although located on a lower ground level to Wisteria Road, the proposed dwelling, due to its scale and proximity to the road, would appear unduly prominent within the street.
7. The siting of the proposed dwelling and the way it would fill its area of the appeal site limits the extent to which any additional landscaping could assimilate the dwelling into its context. A planted strip of land belonging to No 13 Wisteria Road would provide some screening. However, there is no control over the retention of this vegetation and its effectiveness would be limited due to its overall height. The materials of the proposed dwelling could be conditioned to ensure that it would be consistent with the existing dwellings on Wisteria Road. Nonetheless, the design and scale of the proposed dwelling and its orientation relative to Wisteria Road would be at odds with the road's simple pattern of development.
8. The main parties agree that extant planning permissions exist for a detached dwelling in a similar position to the proposed dwelling² and another dwelling fronting Church Street³. The proposed dwelling would be constructed as an alternative to these permissions. However, the more modest scale and the simpler design of these permitted dwellings, in my opinion, would be more reflective of the character and appearance of Wisteria Road.
9. I therefore conclude on this issue that the proposed development would harm the character and appearance of the surrounding area, contrary to Policies LP 11 and LP 12 of Huntingdonshire's Local Plan to 2036, adopted 2019 (LP), which together, seek to ensure that new developments respond positively to their context and draw inspiration from the key characteristics of their surroundings. It would also not comply with Section 12 of the National Planning

² Planning reference 1301514FUL

³ Planning reference 1400304FUL

Policy Framework (NPPF), or Parts C1, I1, I2 and B2 of the National Design Guide, 2019 (NDG).

Effect on Yaxley Conservation Area

10. The majority of the appeal site is located within the CA. Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
11. The CA is focused along the roads of Church Street and Main Street; the historic core of the village. It is predominantly residential in character, but also includes some services and facilities. There is no uniformity to the buildings within the CA, with a mix of height, age and materials. The significance of the part of the CA in which the appeal site is located derives from the row of large houses which site in an elevated position on the north side of the highway. Many are former farmhouses and converted farm buildings, which together with the loose arrangement of the buildings and the way they are set against the sky and amongst green infrastructure, provides the street with an almost rural character.
12. From the evidence before me and from my own observations of the area, I am satisfied that the loss of the detached garage would not result in harm to the significance of the CA. However, although set further back from Church Street than the host dwelling and No 24 Church Street, the drawings indicate that the proposed dwelling would be highly visible from the CA. Although it would be partially obscured by the proposed replacement garage, this would be to a limited degree due to its scale.
13. The backdrop between the No 26A and No 24 is partially occupied by No 8 Wisteria Road and an existing detached garage, however, these appear distant and subservient in scale to the dwellings on either side. This contrasts with the proposed dwelling that would have a ridge height that would match No 24 and have an elongated width. The strident roofscape of the proposed dwelling would be clearly visible from Church Street and would appear to fill the space between them in a discordant manner, interloping into their spacious, almost rural, disposition.
14. The proposed dwelling would therefore cause less than substantial harm to the character and appearance of the CA. In accordance with paragraph 202 of the National Planning Policy Framework (NPPF), I must weigh the harm against the public benefits of the proposal. In doing so, paragraph 199 of the NPPF explains that great weight should be given to the conservation of the designated heritage assets.
15. The provision of one additional dwelling weighs in favour of the proposal and would make a contribution, albeit limited, to the Government's objective of significantly boosting the supply of new homes. There would also be some benefit to providing an additional family home within the village. There would be a limited amount of short-term employment through the construction of the proposed dwelling and some further modest benefits would result from the additional support to the local community and its services from the future occupiers. The appeal site would also be located near to facilities and services.

16. The proposed development may well prevent the extant dwelling fronting Church Street from being built. However, in my opinion that does not represent a public benefit as the permitted dwelling would better adhere to the historic orientation and grain of housing development along Church Street. Any enhancements to the biodiversity of the site would be a very modest benefit. In my view, the public benefits of the proposed development would be minimal and insufficient to outweigh the harm to the significance of the CA.
17. Accordingly, I conclude⁴ on this issue that the proposed development would fail to preserve or enhance the character and appearance of the CA, contrary to the aims of Policies LP 2 and LP 34 of the LP, the NPPF and the NDG.

Living Conditions of the occupiers of No 24 Church Street

18. 24 Church Street is a detached two-storey dwellinghouse with two-storey and single storey extensions to the rear. There is a difference in levels between No 24 and the appeal site which results in No 24 being positioned on a much lower ground level. No 24's private amenity space is located to the rear and western side of the dwelling, and is enclosed by a substantial brick boundary wall and the property's detached outbuilding.
19. The proposed dwelling would be sited close to the boundary wall shared with No 24 and would be positioned so that it extends almost the whole length of No 24's rear garden. The siting of the proposed dwelling, its scale, and depth relative to the rear garden of No 24, together with the difference in ground levels would enclose the rear garden of No 24 to a significant degree, reducing the openness to the rear of the property and appearing overbearing from No 24. The proposed dwelling would therefore harm the outlook of the occupiers of No 24 Church Street.
20. The proposed dwelling would have a first floor dormer window serving bedroom four that would be positioned close to the boundary with No 24. The view from the window would directly overlook No 24's rear garden and due to its proximity to the shared boundary, it would be to a significant degree. Therefore, the window to bedroom four would cause harm to the occupiers of No 24 from a loss of privacy. A condition requiring the window to be obscure glazed would not overcome the harm caused by overlooking as a view could still be gained if the window was open. A condition requiring the window to also be fixed shut would significantly impoverish the living conditions of future occupants and therefore would not pass the test of reasonableness.
21. I have considered the extant permission⁴ for a detached dwelling to the rear of No 26A Church Lane, however, from the information before me, it would be sited further away from the shared boundary, with a smaller scale. Therefore, it would not have the same impact on the outlook of No 24. The permitted dwelling would have first floor windows overlooking the rear garden of No 24 however, these would be secondary windows to bedroom two and bedroom three and they would be positioned further from the shared boundary. It is also noted that at least one of these windows would be obscure glazed. The permitted scheme is therefore not directly comparable to the proposed development in respect of impacts upon outlook and privacy.

⁴ Planning reference 1301514FUL

22. Consequently, I conclude that the proposed development would have an unacceptable effect on the living conditions of the occupiers of No 24 Church Street, with particular reference to outlook and privacy. This would be contrary to Policy LP 14 of the LP that requires developments to ensure that the design and separation of buildings are not oppressive or overbearing and will not result in overlooking causing loss of privacy. It would also not comply with Section 12 of the NPPF that seeks to create places with a high standard of amenity for existing users, or Part H1 of the NDG.

Other Matters

23. The proposed development is described as a self-build project. However, I have not been provided with a mechanism to ensure compliance with the provisions of the Act to provide certainty that the proposed dwelling would be constructed as a self-build. Even if the proposal was provided as a self-build house and there was demand for such housing in the district, its contribution would only be modest, as a single unit is proposed.

Conclusion

24. Given the harm that would arise to the character and appearance of the area, including the CA, and the living conditions of neighbouring residents, the proposal would conflict with the development plan when read as a whole. The other considerations before me do not overcome this conflict. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal is dismissed.

A Berry

INSPECTOR