



Appeal Decisions

Site visit made on 24 October 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal A Ref: APP/H0520/W/21/3286072

5 Crown Street, St Ives, PE27 5EB

- 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 David Bridgens against the decision of Huntingdonshire District Council.
 - The application Ref 20/01209/FUL, dated 4 July 2020, was refused by notice dated 6 May 2021.
 - The development proposed is extension to rear of Number 5 Crown Street, St Ives PE27 5EB to provide 1 no. 1 bed flat and 1 no. 2 bed flat with under croft parking.
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Appeal B Ref: APP/H0520/Y/21/3286073

5 Crown Street, St Ives, PE27 5EB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Bridgens against the decision of Huntingdonshire District Council.
 - The application Ref 20/01205/LBC, dated 4 July 2020, was refused by notice dated 6 May 2021.
 - The works proposed are extension to rear of Number 5 Crown Street, St Ives PE27 5EB to provide 1 no. 1 bed flat and 1 no. 2 bed flat with under croft parking.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and listed building consent is granted for extension to rear to provide 1 no. 1 bed flat and 1 no. 2 bed flat with under croft parking at 5 Crown Street, St Ives PE27 5EB in accordance with the terms of the application Ref 20/01205/LBC, dated 4 July 2020, subject to the conditions listed at the end of these decisions.

Preliminary Matter and Main Issues

3. These appeals concern the refusal of planning permission (Appeal A) and listed building consent (Appeal B) at No 5 Crown Street, a Grade II listed building within the St Ives Conservation Area. The Council's refusal of listed building consent¹ cites planning associated reasons for the decision rather than reasons relating to the preservation of the listed building or its significance as a designated heritage asset.
4. Under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the decision maker, when considering

¹ Ref: 20/01205/LBC

whether to grant listed building consent and/or planning permission for any works or development, has a statutory duty to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. With respect to any buildings in a conservation area, Section 72(1) of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Accordingly, I consider the main issues in respect of Appeal A only are:

- Whether or not the proposal represents an acceptable form of development having particular regard to its flood zone location; and
- Whether or not an adequate contribution towards the provision of wheeled bins would be secured.

5. Additional main issues for both Appeal A and Appeal B are:

- Whether the proposed works and development would preserve the Grade II listed building known as '5, Crown Street' (the listed building), its setting, and any of the features of special architectural or historic interest that it possesses; and
- The effect of the proposed works and development upon the character and appearance of the St Ives Conservation Area (the CA).

Reasons

Flood zone location – Appeal A only

6. The site is situated within Flood Zone 2 of the Environment Agency's Flood Map, and thus is at medium risk of river or sea flooding. This flood zone classification applies regardless of whether or not flooding has been historically recorded at or near the site.
7. Policy LP5 of Huntingdonshire's Local Plan to 2036 (adopted May 2019) (the LP) indicates that development proposals will only be supported where all forms of flood risk have been addressed such that, amongst other provisions, the sequential approach and sequential test are applied and passed. Indeed, the National Planning Policy Framework (July 2021) (the Framework) advocates the application of the sequential test whereby new development should be steered towards areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, in this case Flood Zone 1.
8. A Flood Risk Assessment (July 2020) (the FRA) has been prepared. However, the FRA does not tackle the matter of initial site selection. Indeed, no comprehensive assessment of the potential suitability and availability of alternative sequentially preferable sites (or of the appropriate catchment area across which to apply the test) would appear to have been carried out. This is a significant shortcoming of the scheme.
9. The proposal is based upon living and sleeping accommodation being provided at first floor level and future occupiers utilising an entrance door that already exists. It is also set out that surface water run-off generated by the development shall remain unchanged when compared to current site

circumstances, and that future occupiers shall be registered to receive future Environment Agency flood warnings. However, these measures are akin to property-level resilience features and do not justify the site's locational suitability nor demonstrate the passing of the sequential test.

10. It has been brought to my attention that the area benefits from flood defences. However, as set out in the Planning Practice Guidance (the Guidance), when applying the sequential test, the presence of existing flood risk management infrastructure should be ignored as the long-term funding, maintenance and renewal of this infrastructure is uncertain.
11. I acknowledge that an existing residential use of the appeal property prevails. However, the proposal is for an extension to accommodate two additional dwellings. On this basis, the sequential approach to site selection should be applied. Indeed, it has not been robustly demonstrated why it should not.
12. As is clear from the Guidance, the sequential test is to be applied prior to any consideration of the exception test's potential applicability. Whilst the exception test is not required in circumstances where development classified as 'more vulnerable' is proposed in Flood Zone 2, this is of little relevance in circumstances where the sequential test has not been suitably applied and demonstrated to be passed.
13. For the above reasons, the proposal that is the subject of Appeal A would cause harm on the basis that it does not represent an acceptable form of development having particular regard to its flood zone location. There is thus conflict with Policy LP5, Section 14 of the Framework and the Cambridgeshire Flood and Water Supplementary Planning Document (April 2017) in so far as these policies and guidance seek to steer new development to areas with the lowest risk of flooding.

Wheeled bins – Appeal A only

14. Policy LP4 of the LP sets out that contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms. It is confirmed within the Developer Contributions Supplementary Planning Document (December 2011) (the SPD) that new housing will trigger a need for the provision of wheeled bins and that contributions shall be sought accordingly.
15. The appellant has indicated an intention to enter into a legal agreement to secure a contribution towards wheeled bins. Nevertheless, no completed agreement is before me. In the absence of an appropriate mechanism to secure payment, I find that the proposal that is the subject of Appeal A would cause harm on the basis that an adequate contribution towards the provision of wheeled bins would not be secured. The proposal conflicts with Policy LP4 and the SPD in so far as this policy and guidance sets out that contributions will be required to allow for the provision of appropriate coloured waste storage containers.

Grade II listed building – Appeal A and Appeal B

16. The significance and special interest of the listed building is drawn, in-part, from its age and its grand, featureful front façade. This significance and special interest is further underpinned by the site's location at the historic core of St

Ives and by it comprising part of a linear row of burgage plots. As was apparent upon inspection, the rear wall of the listed building to which the proposed extension would attach has been much modified. Furthermore, the Council's Conservation Officer has confirmed there is little left of internal historic finishes within the relevant area affected. Thus, the loss of built fabric that would be necessitated would not have harmful implications for the listed building's special interest.

17. The proposed extension would respect the alignment of historic burgage plots and, despite its not insignificant scale and bulk, would remain subservient to the historic part of the listed building. The intended fenestration and elevational detailing would provide references to the main building whilst the lower linking element that is proposed would assist in providing a clear indication of where the modern addition would commence to the rear of the asset.

The Conservation Area – Appeal A and Appeal B

18. The significance and special interest of the CA is drawn, in-part, from its range of historic buildings, its variety of sometimes expansive green features and open spaces, and the presence and influence of the River Great Ouse. The significance and special interest of close by historic buildings is drawn, in-part, from their age, architectural interest, and dense burgage plot formation. The proposed extension would be discreetly sited to the rear of the site in direct alignment with, and at subservient height to, the host property and would be respectful of the historic pattern of development. It would also incorporate detailing suitably sensitive to the makeup of neighbouring built elevations. As such, the proposal would preserve the character and appearance of the CA.
19. For the above reasons, the proposed works and development would, in my judgement, preserve the listed building, its setting and any of the features of special architectural or historic interest that it possesses. The character and appearance of the CA would also be preserved. The proposal thus accords with Sections 16(2), 66(1) and 72(1) of the Act and the historic environment policies of the Framework in so far as they express the desirability of sustaining and enhancing the significance of heritage assets to be taken into account.
20. That said, my findings in respect of the other non-heritage related planning issues considered above for Appeal A indicate there would still be harm even though I have found no harm to designated heritage assets; to the extent that planning permission should not be granted.

Other Matters

21. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon highway safety/parking and arrangements for construction traffic. However, as I have found the proposal that is the subject of Appeal A to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.
22. Two additional residential units are proposed, and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. Nevertheless, two additional units would not make a noticeable difference to the District-wide housing supply situation and is a benefit that attracts limited weight. Moreover, the benefits of the scheme that is the subject of Appeal A

would be modest and would not outweigh the harms and associated policy conflicts that I have identified. Notwithstanding the positive outcome of the listed building consent appeal, the proposal that is the subject of Appeal A conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions Reasons – Appeal B

23. A condition confirming the approved plans is required in the interests of certainty. Furthermore, in the interests of preserving the special interest of the listed building, a condition is reasonable and necessary to secure full details of the external materials and architectural details to be used/installed.

Conclusions

24. In respect of Appeal A, for the above reasons I consider the appeal should be dismissed and planning permission refused.
25. Without prejudice to my decision for Appeal A, I consider Appeal B should be allowed and listed building consent granted, subject to conditions set out in the schedule at the end of this decision letter.

Andrew Smith

INSPECTOR

Schedule of Conditions – Appeal B

- 1) The works to which this listed building consent relates shall be begun not later than the expiration of three years from the date of these decisions.
- 2) The works hereby permitted shall be carried out in full accordance with the following approved plans: A_00_01B; A_00_03B; A_01_05B; A_01_06B; A_01_07B; A_01_08B; A_01_09B; A_02_04B; A_02_05B; A_02_06B; A_03_01B.
- 3) No works above slab level shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority: i) external wall materials, including any bonding and mortar colour; ii) roofing materials; iii) window and cill details, including materials, colour, reveal depth, and elevations and sections at scale 1:10; iv) dormer window details, including colour of side cheeks, and elevations and sections at scale 1:10; v) privacy screen details, including a section at scale 1:10; vi) rainwater goods. The works shall be carried out in accordance with the approved details.