
Appeal Decision

Site visit made on 6 December 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/W0530/W/22/3304381

73 High Street, Little Shelford, Cambridgeshire, CB22 5ES

- 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 Doug Scott against the decision of South Cambridgeshire District Council.
 - The application Ref 22/01156/FUL, dated 09 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is erection of a single storey bungalow along with associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area including the Little Shelford Conservation Area, the setting of 73 High Street, a grade II listed building; and
 - protected species.

Reasons

Character and appearance

3. The appeal site is a vacant grassed piece of land which is adjacent to No 73 High Street, a grade II listed building. A public footpath which connects High Street with Whittlesford Road and a highway which provides access to the dwellings on The Terrace run through the site. The site contains 2 mature trees and is separated from the footpath and High Street by a row of low posts. The northern site boundary is marked by a mature hedge. The appeal site appears open in nature and is clearly visible in views from High Street and The Terrace. This open nature allows for clear views of the front elevation of No 73 from the surrounding area.
4. The appeal site is located in the Little Shelford Conservation Area (CA), the boundary of which covers the historic core of buildings in the village. The Little Shelford Village Design Guide Supplementary Planning Document (2022) (SPD) sets out that the site is located within 'Character Area 4- High Street residential and western village edge' which is characterised by open green spaces and an eclectic mix of buildings, many of which are historic and located close to or directly on the pavement. This, and the presence of trees and hedges within

the street scene and private gardens gives this part of the village a distinctive verdant and rural character and appearance that reflects the historic settlement pattern and appears to be a key part of its significance. The appeal site's mature trees and hedgerow and open nature make a positive contribution to the character of the area.

5. I have been provided with the listing description for No 73 which sets out that this building is a late 17th century cottage. The building derives its significance from the antiquity of parts of its fabric, from its architectural interest as a well-preserved example of a vernacular building of its type, and in the contribution the appearance of the building makes to the wider streetscape. The main parties agree that the site once contained a row of terraced dwellings. Therefore, the appeal site does not appear to have any historic connection to No 73 and consequentially it does not derive its significance from any physical connection to the appeal site. Nonetheless, the site's open nature contributes positively to the setting of this listed building and allows views of the asset which enable aspects of its significance to be appreciated.
6. The proposal seeks consent for the erection of a single storey pitched roof dwelling. The front elevation of the dwelling would be orientated towards The Terrace where the dwelling would be read as a continuation of the existing row of single storey pitched roof dwellings, one of which currently contains openings facing the appeal site.
7. The proposed dwelling would be set back from the highway and would not obscure views of No 73 from the High Street. Nonetheless, the proposed dwelling would be located close to this building and the dwelling and associated amenity space would form a modern backdrop which would be clearly visible in views from the surrounding area. The modern design and limited separation of the dwelling would appear jarring in relation to the historic fabric of No 73. Additionally, the dwelling would obscure views of this building from The Terrace and the public footpath which runs through the site.
8. The dwelling and associated amenity space would be enclosed with a 600mm post and rail fence. Whilst the height of this fence would allow for views across the front part of the site, nonetheless the proposal would result in the site becoming domestic in character and enclosed.
9. Furthermore, any domestic paraphernalia sited to the west side elevation of the proposed dwelling would be clearly visible from High Street and the surrounding area. Domestic paraphernalia such as garden furniture and play equipment would result in a cluttered appearance to the site. The appellant states that the proposal does not include any provision for the storage or use of domestic paraphernalia on the site. However, the control of such items reasonably associated with the proposed residential use would not be within the scope of a condition. The resultant storage of items of domestic paraphernalia would result in the loss of a vacant grassed area which would adversely affect the open nature of the site and its positive contribution to the character of the surrounding area and the setting of No 73.
10. The appeal site contains 2 mature trees, which are protected by reason of being in a conservation area. The Planning Practice Guidance (PPG) states that trees in a conservation area that are not protected by a Preservation Order are protected by the provisions in Section 211 of the Town and Country Planning Act 1990.

11. Both parties agree that the proposed dwelling would cover part of the Root Protection Zone (RPZ) of the Norway Spruce tree (T1) situated towards the front of the site. The submitted Arboricultural Impact Assessment (AIA) recommends the use of measures including low impact foundations and excavations and an impermeable membrane during construction, subject to which it is stated that any lasting impact on the overall health and condition of the tree is believed to be negligible. Even if the proposed foundations would result in raised floor levels, I have not been presented with any evidence that this would be particularly harmful. Therefore, I consider that careful controls in terms of construction methods and protective measures, the details of which could be secured by condition, would safeguard this tree. Additionally, concerns are expressed that the proposal would result in future pressure for harmful tree works to this tree. Based on the submitted plans and my observations on site there would be sufficient areas beyond the spread of this tree that the proposed dwelling and associated amenity space would not be over-dominated. Thus, I find no evidence that the proposed dwelling would lead to pressure to cut back or remove the preserved tree in the longer term.
12. The proposal would result in the removal of a mature holly tree (T2). The AIA refers to this tree as being 9.5 metres in height and notes that it is a 'category C1' tree owing to its small size. However, there is disagreement between the main parties regarding the quality and amenity value of this tree. Nonetheless, at my site visit I observed that this is an attractive tree. It is highly visible from the public realm and makes a positive contribution to the verdant and rural character of the surrounding area. Based on the submitted plans the proposed replacement trees would not compensate for the harm caused by the removal of this mature tree. The loss of this tree would therefore be harmful to the character and appearance of the surrounding area and the CA.
13. As the appeal site is within a Conservation Area and adjoins 73 High Street, a grade II listed building, I have therefore had special regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that decision makers pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Further, I have had regard to Section 66(1) of the same act which requires that, when considering planning proposals, decision makers should have special regard to the desirability of preserving listed buildings or their settings.
14. I have found that the proposal would be harmful to the setting of No 73, a grade II listed building, and would result in harm to the character and appearance of the CA. In the words of the National Planning Policy Framework (the Framework) the proposal would lead to less than substantial harm, although it would nonetheless be significant. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There would be economic benefits during construction and the proposal would result in 1 additional dwelling, to which I attach limited weight. Nevertheless, heritage assets are an irreplaceable resource. Overall, I do not consider that collectively the public benefits are sufficient to outweigh the great weight that I must attach to the less than substantial harm caused to the designated heritage assets. Conflict therefore arises with the historic environment protection policies in the Framework.

15. Accordingly, the proposal would be contrary to those aims of Policies S/7, HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) (LP) which, amongst other matters, state that development will be permitted where it conserves or enhances important natural and historic assets and their settings and would protect and enhance local features of green space, landscape, ecological or historic importance. I also find conflict with the design guidance set down in the SPD which has similar aims. I find conflict with the Framework which requires that great weight should be given to the conservation of heritage assets.

Protected species

15. The proposed development would involve the removal of and works to mature trees. The Council state that these trees, and the hedgerow along the site boundary, may provide habitats for protected species. The proposal is not supported by an ecological survey, and it is stated that there is insufficient information to demonstrate that protected species would not be adversely affected by the proposed development.
16. I have not been presented with a compelling case which sets out why there is a reasonable likelihood that the site would contain any protected species, priority species or priority habitats. Consequently, the proposal does not conflict with those aims of LP Policy NH/4 which state that where there are grounds to believe that a proposal may affect a protected species, priority species or priority habitat, applicants will be expected to provide an adequate level of survey information and site assessment to establish the extent of a potential impact. I also find no conflict with the Greater Cambridge Biodiversity Supplementary Planning Document (2022) which has similar aims and states that applicants must ensure that planning applications are supported by adequate ecological information where there may be unexpected risks of impacts to habitats and species. I find no conflict with the Framework, which sets out the principles for the determination of planning applications to protect and enhance biodiversity.

Other Matters

17. I acknowledge that the construction of one dwelling on a windfall site would make a small contribution towards the district's housing supply. The Government's objective is to significantly boost the supply of homes. This factor weighs in favour of the scheme. There would be short-term economic benefits associated with construction and Council tax revenues in the longer term. However, one new home would make only a small contribution in this respect.
18. I note the appellant's comments regarding consents which have been granted by the Council which involve tree removal without an ecological assessment. Whilst I have not been provided with details of these applications, nonetheless I have found that an evidenced case of harm to protected species has not been advanced and thus an ecological assessment is not necessary in support of this proposal in this instance.
19. The appellant's comments regarding alterations to the character of the conservation area arising from a less well-maintained appeal site are noted. I have not been provided with any details regarding the appellant's intentions for the maintenance of the site if this appeal were dismissed. In its current form

the appeal site makes a positive contribution to the character and appearance of the area and part of this contribution is derived from the way in which the appeal site allows for open views of 73 High Street from the surrounding area. Nonetheless, I have not been presented with any evidence that, if less well-maintained, the appeal site would cease to make a positive contribution to the character and appearance of the surrounding area or the setting of 73 High Street. Thus, I give limited weight to the harm that would arise from a less well-maintained site.

20. Additionally, the potential for the erection of alternative forms of boundary treatment on the appeal site is noted, some of which may not require the benefit of planning permission. I have limited information about whether there would be an intention to erect this boundary treatment if this appeal were dismissed or the form this boundary treatment would take. Nonetheless, I have not been presented with any compelling evidence that alternative forms of boundary treatment would have a similarly harmful effect as the appeal proposal on the setting of No 73 or the character and appearance of the surrounding area.
21. The appellant's comments regarding the Council's procedural handling of the application are noted. Nonetheless, my decision focuses on the planning merits of the case.

Conclusion

22. Whilst I have found that it has not been evidenced that the proposal would result in harm to protected species, the appeal proposal would fail to preserve the character and appearance of the CA and the setting of the grade II listed building known as 73 High Street. Consequently, it fails to accord with the development plan taken as a whole. Therefore, for the reasons given above, the appeal should be dismissed.

Nichola Robinson

INSPECTOR