



Appeal Decisions

Site visit made on 9 January 2023

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal A - Ref: APP/W0530/W/22/3298526

46 High Street, Balsham, Cambridgeshire CB21 4EP

- 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 Synergy Property Group Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 21/05251/FUL, dated 10 November 2021, was refused by notice dated 7 February 2022.
 - The development proposed is described as 'Conversion of existing annexe into two flats and associated works'.
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Appeal B - Ref: APP/W0530/Y/22/3301263

46 High Street, Balsham, Cambridgeshire CB21 4EP

- 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 Synergy Property Group Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 21/05252/LBC, dated 10 November 2021, was refused by notice dated 7 February 2022.
 - The works proposed are described as 'Conversion of existing annexe into two flats and associated works'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed, and listed building consent is granted for the conversion of the existing annex into two flats at 46 High Street, Balsham, Cambridgeshire CB21 4EP, in accordance with the terms of the application, Ref: 21/05252/LBC, dated 10 November 2021 and the plans submitted with it, and subject to the following condition.
 - 1) The works hereby authorised shall commence not later than 3 years from the date of this consent.
 - 2) All new brickwork shall match exactly the existing building (46 High Street) in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture.

Main Issues

3. The main issues in these appeals are:
 - Whether the proposed development would provide adequate living conditions, with particular reference to outdoor amenity space and any noise and disturbance.

- The effect of the proposed development on the setting of 44 High Street, a Grade II listed building;
- Whether the proposed development would preserve or enhance the character or appearance of the Balsham Conservation Area; and
- The effect of the proposed development on highway safety, with particular reference to access.

Reasons

The adequacy of living conditions

4. The residents of the two proposed flats would have access to a communal garden to the rear of No 46. To access this space, the occupants of the first floor flat would have to pass through a gated patio area within which the occupants of the ground floor flat would store their bikes and bins and from where they would enter their property. The implication being that the occupants of the first floor flat would feel as if they were entering a private space to reach the communal garden. It is therefore highly unlikely that the occupants of the first floor flat would do this, and therefore they would not have genuine access to outdoor amenity space.
5. Even if they did access the communal garden, the space would be very unappealing due to its small size. Moreover, the garden would have a shallow depth and be north facing. It would therefore receive very little if any direct sunlight making the space unattractive. The garden would also be overlooked at close range by four windows from the ground floor flat and by the rear windows in the first-floor flat. It would be possible to obscure the ground floor windows, but this would effectively make the ground floor flat single aspect with a limited outlook.
6. Moreover, there would be little privacy as the close configuration would mean conversations could be overheard. In this respect, the occupants of the ground floor flat would not wish to open their windows if the resident(s) of the first-floor flat were in the communal garden. Accordingly, the garden area would not be a suitable space for two households. Thus, the appeal scheme would not provide adequate living conditions despite there being no minimum garden size/standards for external amenity space in development plan policies.
7. In coming to this view, I note that the District Design Guide Supplementary Planning Document (SPD) indicates that in some instances communal gardens can be acceptable. However, for the reason set out above, there would be serious drawbacks to the design and layout of the communal garden proposed. It would not be convenient to use or safeguard the privacy of residents. Moreover, the proposed garden would not address some of the other specific criteria relating to communal gardens set out in Paragraph 6.73 of the SPD, as there would be no semi-private sub spaces or discreet locations to dry washing.
8. There is a public open space opposite the appeal site, but this is a village green and therefore functions quite differently to a private communal garden. For example, it would not be a substitute for somewhere to sit out in privacy, dry washing or store outside items.
9. The main outlook from the ground floor flat would be over the shared parking and turning area. Vehicles would manoeuvre directly outside this property

causing noise as well as disturbance from headlights. This activity would occur at close range and directly in front of the property where there would be no space for softening buffer planting. As a result, there would be an awkward relationship as the small parking and manoeuvring space would be used by three separate households, which would be excessive and harmful to the living conditions of the occupants of the ground floor flat when combined with the poor-quality amenity space. The impact would not be as acute at first floor level. As a result, there would be no harm in this respect to the living conditions of the occupants of the first floor flat.

10. The movements would not be regular occurrences throughout the day and would be short in duration. It would also be possible to impose a condition requiring a bound surface material, which would reduce some of the noise. However, the combined, unmitigated and close-range impacts from vehicle movements associated with No 44 and the first floor flat would nevertheless still be harmful to the occupants of the proposed ground floor flat.
11. The appellant has directed me to another scheme¹ where parking has been approved directly outside homes without any apparent harm to living conditions. However, the arrangement is not the same as the appeal scheme, as the properties referred to do not appear to be single aspect, which is effectively how the proposed ground floor flat would function in this instance.
12. In conclusion, the proposal would not provide adequate living conditions due to the poor quality of the outdoor amenity space and the noise and disturbance that would occur to the occupants of the ground floor flat from vehicle movements. This would be contrary to Policy HQ/1 of the South Cambridgeshire Local Plan (LP), which seeks to secure high quality design that protects the health and amenity of occupiers. This is consistent with the objective in Paragraph 130 of the National Planning Policy Framework (the 'Framework') to secure high standards of amenity.

The effect on the setting of 44 High Street, a Grade II listed building

13. 44 High Street (No 44) was listed in 1986 and is a fine example of a traditional timber framed building that possibly dates from the late 17th Century. The elevations are generally simple, being plasterwork to the walls and a slate roof. As described in the appellant's Heritage Statement, the building has been much altered. This included a 19th Century remodelling which incorporated changes to the fenestration. Further modifications took place in the 20th Century and the building is currently undergoing a comprehensive renovation. Some of these alterations took place to facilitate its use as the White Lion Hotel and then a shop. The building was in use as a house by the mid-20th Century.
14. Despite its varied history, the lobby entry plan and historic detailing of the building is still apparent and legible. Architecturally, the building provides a pleasant composition with the village green and other nearby historic structures. As a result, No 44 tells us much about historic construction methods, social change and the building traditions of the area. It also has a charm that adds to local distinctiveness. The building therefore has evidential, historic, and aesthetic value and significance. The ability to visually experience this value through the building's setting is important to its significance.

¹ S/2729/18/RM

15. The annex (No 46) possibly dates to the 19th Century when the use of No 44 as a public house/inn required a large outbuilding. Paragraph 4.37 of the Listed Buildings Supplementary Planning Document explains that buildings within the curtilage of a listed building are likely to be important to its setting, and therefore the division of such spaces could be harmful. However, No 46 has been much altered over time and, save for its basic shape, has lost much of its historic and ancillary character. It now has an independent and modern residential appearance. This is mainly due to the insertion of insensitive windows and doors. Internally, there is little of historic interest. Thus, it is a curtilage listed structure of limited significance and therefore the works proposed to it would be acceptable, albeit a missed opportunity to improve the aesthetics and historic character of the building.
16. The other works, principally the erection of a brick wall, would see No 44 physically divided from No 46. However, it would still be possible to appreciate the aesthetic value of No 44 due to the lower height of the wall. The siting of the wall would also leave No 44 with a reasonably sized garden from which it would be possible to observe and study its rear elevation. The extent of the garden would also ensure No 44 did not appear cramped. Ample space would also be retained in front of No 46 because the parking area would be carefully arranged and softened by planting such that it would not appear cramped.
17. In addition, the wall could be constructed in an appropriate brick, finished in a heritage bond and mortar mix. This would enable it to integrate into the historic setting of No 44 and preserve the listed building's aesthetic value, especially if softened with planting. Moreover, the height and position of the wall would enable the historic relationship between Nos 44 and 46 to still be appreciated and understood. As a result, the ability to experience the evidential, aesthetic and historic value of the site would be preserved despite the subdivision. Accordingly, the setting of the listed building would be preserved. This is a finding shared by the Council's Conservation Officer.
18. In conclusion, the appeal scheme would preserve the listed building and its setting. Its significance would not be harmed. As a result, the proposal would adhere to the expectations of s16 and s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, a conflict with Policy NH/14 of the LP, and the heritage protection policies in the Framework, would not occur.

Whether the proposal would preserve or enhance the character or appearance of the Balsham Conservation Area (CA)

19. The CA is in two parts and is focussed on the historic core of the village. Balsham is an old, broadly linear settlement that encompasses many typical features of a rural village including a church, manor, village green, high street and several period properties. The settlement is therefore a repository of the form and evolution of a historic village and tells us much about bygone ways of life. It therefore has historic and evidential value. The composition of historic buildings around a central green also provides aesthetic value. Being an imposing period building centrally located within the village, No 44 adds positively to the value, significance and special interest of the CA. Given its degree of alteration, No 46 at best has a neutral contribution.
20. The physical alterations to No 46 would not improve the appearance of the building. In particular, the modern unbalanced and undivided windows would be retained or replicated. This would, however, effectively retain the status

quo and therefore the appearance of the building would not be aesthetically worse. The appeal scheme would intensify the area of parking to the front of No 46 but the vehicles would be broadly screened in public views by the existing boundary wall along the site frontage.

21. Moreover, there would be space for soft landscaping including some trees and shrubbery to soften the hard surfaces and replace that planting which has already been removed. The use of granite setts would also add some quality and the brick wall, if detailed correctly, would not appear out of place given existing boundary treatments. In these respects, a landscaping condition could have been imposed had the scheme been otherwise acceptable. Overall, the proposal would not appear cramped and therefore the aesthetic quality of the CA would be preserved as would its historic and evidential value. Accordingly, the proposal would adhere with the guidance in the Development Affecting Conservation Areas Supplementary Planning Document, especially as it would not disrupt the rhythm of development or compromise an important gap.
22. In conclusion, the appeal scheme would preserve the character or appearance of the CA. Its significance would not be harmed. As a result, the proposal would adhere to the expectations of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, a conflict with Policy NH/14 of the LP, and the heritage protection policies in the Framework, would not occur.

The effect of the proposal on highway safety, with particular reference to access

23. The existing highway access is currently in use as it serves No 44 and the annex at No 46. However, the conversion of No 46 to two self-contained dwellings would intensify the use of the access. The existing access is not wide enough for a car exiting the site to pass one entering and therefore the Council, advised by the Local Highway Authority, are seeking a five metres wide access for a distance of five metres back from the highways.
24. However, given the modest number of properties that would be served off the access it is unlikely that a motorist exiting the site would frequently meet one seeking to enter. Even if they did, the motorist in the High Street would not need to wait for long as the evidence before me does not demonstrate the road is particularly busy. As a result, the exiting motorist would be able to leave the site quickly and therefore any disruption to the free flow of traffic would be insignificant. Furthermore, forward visibility in both directions along the High Street is good so motorists would be able to react in good time to the presence of a vehicle waiting in the road for the site access to become clear. This would be aided by the low-speed limit. It must also be borne in mind that adequate visibility splays could be provided at the site, which would enable prompt and safe exiting manoeuvres. There would also be space within the site for vehicles to turn and exit in a forward gear so there would be no need to reverse into the road with the inherent risks to highway safety this would entail.
25. Given the foregoing, there is no need to substitute drawing PL024 Rev A for PL024 Rev B, as the development detailed on the former would provide a safe access. This is all the more so because the configuration of the access in the latter would open up views of No 46 to a greater extent which, given its low architectural merit, could erode the appearance of the CA.
26. In conclusion, the appeal scheme would provide a safe and suitable access despite not meeting the Local Highway Authority's standards. The Council has

not referred to any development plan policy in respect of this matter but, as a material consideration, I am satisfied there would be no conflict with Paragraphs 110 or 111 of the Framework.

Other Considerations

27. The appeal scheme would provide two additional dwellings within a defined settlement and thereby make a more efficient use of previously developed land. This would support housing land supply, but the Council are already significantly boosting the supply of housing by establishing a 6.5-year housing land supply. Moreover, the intensification would result in homes with poor quality living conditions.
28. The new dwellings would be modest in size and could appeal to first time buyers or downsizers, but around half of the recently constructed dwellings in the village have also been one- or two-bedroom homes. Future residents may spend locally and support the vitality of the local community but the evidence before me does not suggest local services and facilities are suffering for lack of patronage. There would also be some economic benefits from undertaking the construction works but these would be short lived and modest in scale.
29. Overall, the benefits of the scheme would not be of sufficient force to outweigh the harm that would occur from the inadequacy of the living conditions, which is a matter of great importance given the local and national policy drive to provide high levels of amenity and safeguard health and well-being.
30. Concerns have been raised by interested parties including reservations that there are historic planning controls preventing Nos 44 and 46 from being split into separate dwellings, that four off road parking spaces would be inadequate for three dwellings, one of which would be a five-bedroom property, that the proposal would harm the living conditions of neighbours and that there is a covenant relating to foul drainage. I have noted these points but have not directly addressed them in this instance because the appeal has failed on the main issues.

Conclusions and Conditions

31. The appeal scheme would preserve highway safety and heritage, but it would result in poor living conditions. It would therefore be at odds with the development plan taken as a whole and there are no material considerations that outweigh this finding. As a result, Appeal A is dismissed.
32. There are, however, no grounds to resist Appeal B, which is allowed. In allowing Appeal B it is necessary to impose a commencement condition in the interests of certainty. It is also necessary to ensure the new brickwork matches the existing in the interests of preserving the limited aesthetic value of No 46. It is unnecessary to impose a drawings condition as there is no scope in respect of a listed building consent to vary the plans. Similarly, it is unnecessary to seek further details of the proposed windows, as the drawings demonstrate they would match the existing modern ones.

Graham Chamberlain
INSPECTOR