



Appeal Decision

Site visit made on 28 March 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/W0530/W/22/3311695

Land adjacent to 26 Church Street, Little Shelford CB22 5HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Trudy Webb against South Cambridgeshire District Council.
 - The application Ref 21/03829/FUL, is dated 23 August 2021.
 - The development proposed is the erection of a new dwelling with associated highway access.
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Decision

1. The appeal is dismissed, and planning permission for the erection of a new dwelling with associated highway access is refused.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development on the character and appearance of the surrounding area;
 - the effect of the development upon the setting of the Conservation Area;
 - the effect of the development on the setting of a nearby listed building; and
 - the effect of the development upon ecology.

Reasons

Character and appearance

3. The appeal site consists of an open area to the side of the existing dwelling. This is a relatively large dwelling. Adjacent to the opposite side boundary is an additional dwelling that is constructed to smaller proportions. Therefore, the existing gap between dwellings forms a transitional space between differently proportioned buildings. A notable feature of the vicinity is open areas to the sides of buildings. This gives the surrounding area a less developed character. The appeal site is in a Protected Village Amenity Area (PVAA). This highlights the open and distinctive character of the settlement.
4. The proposed development would result in an increase in the overall level of built form given that it would result in the provision of an additional dwelling. In consequence, the more open and verdant character would be eroded due to the reduction in space between buildings. Furthermore, the proposal would

- result in an increase in the overall level of building density in the settlement. This occurs even though the wider area has been the subject of development elsewhere.
5. Furthermore, the proposed development would result in a reduction in the level of space in between dwellings. This means that the development would result in the creation of a more suburban character that would conflict with the character of the existing settlement and also the more rural surroundings of the appeal site. This occurs even though the appeal site is within a settlement.
 6. In addition, the proposed dwelling would have a height comparable to the existing dwelling. This would be notably higher than the neighbouring dwelling at 26 Church Street. Therefore, owing to the disparity in height, and the lack of space in between buildings, the proposed development would be discordant.
 7. The proposed dwelling would have a relatively narrow frontage and gable that would face the road. Although some front facing gables are apparent in the surrounding area, these are typically part of a much wider frontage and therefore have a more ancillary appearance. Therefore, within this context, the design approach of the proposed development would be incongruous.
 8. In reaching this view, I have had regard to the fact that the settlement has been the subject of more recent and modern developments. Although this is the case, the more recent dwellings have maintained the verdant character of the settlement and in result do not have the same effects as the proposal before me would have. Therefore, the presence of more newer dwellings do not allow me to forgo my previous concerns.
 9. These matters are of concern given the overall prominence of the appeal site. In particular, views of the proposed development would be possible from the neighbouring properties and also would be possible from the wider surrounding area. Although the proposed development would be screened, to a relatively limited extent, by existing dwellings the overall effect would be small and in result would not prevent the development from being experienced by a notably large number of people.
 10. Therefore, the incongruous form of development would also be strident and this would lead to an overall reduction of the areas traditional and more open character. Therefore, the proposed development would conflict with the purposes of including land within the PVAA.
 11. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies H/16; HQ/1; NH/11; and S/7 of the South Cambridgeshire Local Plan (2018) (the Local Plan). Amongst other matters, these seek to ensure that development is of a scale, density and character appropriate to the location; that development preserve or enhance the character of the local urban environment; and developments identify PVAAs and ensures that developments would not have an adverse effect on their character.

Effect on the Conservation Area

12. The appeal site is located within the Conservation Area. For the purposes of this appeal, the significance of the Conservation Area is, in part, derived from the presence of traditionally designed buildings within more open areas.

13. The proposed development, by reason of its great form and footprint would generally conflict with this character. In particular, the proposed building would have a level of mass that would be significantly larger than several of the nearby buildings. In addition, it would also result in a reduction in the overall level of open space that would serve the existing dwelling.
14. Although the appeal site does not appear to have been used for public access, it does play an important role in providing a more open and less-developed character that enables the settlement to harmonise with its more rural surroundings. Therefore, the development would amount to some harm.
15. Furthermore, the proposed development would appear incongruous given that the amount of open space surrounding the dwelling would be notably less than several of the nearby existing dwellings. In addition, the loss of the open space between dwellings would also be experienced from some distance away. This would include a further area of open space to the rear of the site and the street itself. Therefore, the proposed development would erode the character of the Conservation Area.
16. In consequence, the proposed development would result in an erosion of the significance of the Conservation Area. In reaching this view, I have had regard to the fact that the proposed development includes a garden. In addition, it would be possible to impose a condition that would ensure that this area is suitably landscaped.
17. However, whilst this would reduce the overall level of harm it would not completely overcome it. Therefore, the proposed development would result in an adverse effect upon the character and appearance of the Conservation Area. This level of harm would be less than substantial. However, it would mean that the significance of the Conservation Area would be impinged.
18. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the Conservation Area. The development, in this regard, would conflict with the requirements of Policies HQ/1 and NH/11 of the Local Plan. Amongst other matters, these seek to ensure that developments conserve or enhance important historic assets; and that developments sustain and enhance the special character and distinctiveness of the district's historic environment.

Effect on the setting of the Listed Building

19. The appeal site is located on the opposite side of the road to the Grade II* Listed Building of the Church of All Saints. For the purposes of this appeal, the significance of this is, in part, derived from the presence of a traditionally designed building, with a relatively limited height surrounded by buildings that feature open areas in their surroundings. This means that the church retains a prominent position in the settlement. Therefore, the setting of the Listed Building contributes to its significance.
20. By reason of the width and height of the proposed dwelling, it would result in a notable reduction in the overall level of open space between buildings. Therefore, when viewed from the church and its grounds, the proposed development would have a significant enclosing effect.
21. In addition, the church has a comparatively low overall height. The proposed development would be of a height comparable with the existing dwelling at the

site. In result, owing to the proximity of the proposed development to the church, the development would detract from the prominence of the church at the centre of the village.

22. Although it may be similar in size to buildings elsewhere, the development would therefore contribute a more urbanising form into the village, which would be particularly noteworthy given that it would conflict with the prevailing more open character that is a feature of the Listed Building's current setting. Owing to the height of the proposed development, the development would be readily perceptible when viewed from the areas immediately adjoining the Listed Building.
23. The proposed development would be set back from the boundaries of the appeal site. whilst this means that the level of harm would be less than substantial, it would not completely forgo it. This is something that I must have regard to.
24. I therefore conclude that the proposed development would have an adverse effect on the setting of the listed building. The development, in this regard, would conflict with the requirements of Policies HQ/1 and NH/11 of the Local Plan. Amongst other matters, these seek to ensure that developments conserve or enhance important historic assets; and that developments sustain and enhance the special character and distinctiveness of the district's historic environment.

Ecology

25. The proposed development would result in a reduction in the overall level of open space within the appeal site. Given the rural surroundings and also less developed nature of some of the adjacent sites, there is a likelihood that the appeal site could be attractive for foraging by various species.
26. However, the appeal documentation includes a suitable survey into the presence of such species. Had I been minded to allow this appeal I could have imposed a condition that would require the provision of suitable mitigation. This would include items such as the provision of, and retention of back boxes. In addition, it would also be possible to ensure the provision of landscaping that would also be attractive to protected species in the surrounding area.
27. Therefore, it would be possible to ensure that the development process would not have an adverse effect upon ecology. In addition, a condition could be suitably drafted that would ensure the retention of such items throughout the life of the development. Therefore, although concerns have been raised regarding the effects of these protected species, I do not believe that there would be harm.
28. I therefore conclude that the proposed development would not have an adverse effect on ecology. The development, in this regard, would comply with the requirements of Policy NH/4 of the Local Plan. Amongst other matters, this seeks to ensure that new developments must aim to maintain, enhance, restore or add to biodiversity.

Other Matters

29. I note that the planning application was not the subject of objections from the Council's Conservation Officer and Historic England. Whilst these are matters of

note, they are only some of all the matters that must be considered. Therefore, given that I have been directed to adverse effects that would emanate, the absence of such objections does not allow me to disregard my previous findings.

30. My attention has been drawn to the granting of developments elsewhere. I do not have the full information regarding the planning circumstances of these. This means that I can only give them a limited amount of weight. Nonetheless, I note that these developments are not part of the appeal site and are of differing designs. Therefore, they have differing effects. In consequence, they do not overcome my previous findings.

Planning Balance

31. The harm that would occur to the character and appearance of the Conservation Area and the setting of the Listed Building would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
32. In this instance, the benefits include an increase in the overall level of housing supply. However, given that the proposed development is for a single dwelling only, any benefits would be small and can only be attributed a limited amount of weight.
33. In addition, there would be some economic benefits arising from the construction process and the occupation of the development. However, owing to the scale of the proposed development, such benefits are only likely to be of a small scale. In consequence, they can be attributed a limited amount of weight.
34. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the Conservation Area and the setting of the Listed Building, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

35. The proposed development would not have an adverse effect upon ecology. However, this does not outweigh the adverse effects to the character and appearance of the surrounding area, the character and appearance of the Conservation Area, and the setting of the Listed Building.
36. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR