



Appeal Decision

Site visit made on 3 April 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/W0530/W/22/3307512

(Land to the rear of) Rose and Crown, Glebe Way, Histon, Cambridge CB24 9JB

- 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 Everards Brewery against the decision of South Cambridgeshire District Council.
 - The application Ref 22/01027/FUL, dated 1 March 2022, was refused by notice dated 9 August 2022.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a single dwelling at land to rear of Rose and Crown, Glebe Way, Histon, Cambridge CB24 9JB in accordance with the terms of the application, Ref 22/01027/FUL, dated 1 March 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. During the determination of the application, amended drawings were submitted, however, the Council determined the application based on the original drawings. The appeals process should not be used to evolve a scheme and it is important that what is considered in this appeal is essentially what was considered by the Council, and on which interested people's views were sought. Consequently, I have not considered the following drawings in the determination of this appeal: 3432/RCJC/12/021 Rev P1, 3432/RCJC/12/022 Rev P1 and 3432/RCJC/12/023 Rev P0.

Main Issue

3. Having regard to the above, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The area surrounding the appeal site is varied in appearance with no uniform design style or age of property. The appeal site is partially within the Histon and Impington Conservation Area and adjacent to Grade II listed buildings at, Nos 2 (Rose and Crown pub) and 4 Glebe Way. The site sits in a backland position; the land to the south and east of the appeal site is characterised by street fronting properties with those fronting Impington Lane having long verdant rear gardens. To the north it is bounded by a public footpath and play area. Historically the site appears to have been an orchard linked to the Rose

and Crown pub to the west, however, currently comprises disused scrubland of little visual amenity.

5. While the proposal would be substantial in scale, it would be of a similar height to surrounding properties and would be positioned within a large standalone plot with clearly defined boundaries and access. The proposal would appear distinctly separate from the properties on Impington Lane and Merrington Place and would not disrupt the existing street fronting pattern of development. Despite its' proximity to the surrounding rear gardens and play area, given the number of retained trees, and the size of outdoor space surrounding the development, the proposal would not detract from the existing open, verdant character of the rear gardens.
6. Although the proposal would have a wide frontage and the total length of the north and south elevations would be considerable, due to the staggered footprint and variation in height and materials, the proposal would be viewed as a group of smaller elements, minimising the perceived, overall mass and retaining the openness of the site. The proposal would have a barn like appearance as a result of the proposed materials and detailing, however, due to the significant variation in design of properties in the area, the proposal would not appear incongruous, further, the appearance would be in keeping with the historic use of the site as an orchard.
7. Given the above, I conclude that the proposal would not harm the character and appearance of the area. Consequently, the proposal accords with Policy HQ1 of the South Cambridgeshire Local Plan (September 2018) (SCLP) which seeks to ensure development preserves the character of local areas, utilising appropriate scale, mass, siting, and design. Similarly, the proposal accords with the National Planning Policy Framework (Framework) paragraph 130, which requires that development is sympathetic to local character and is visually attractive as a result of good architecture.

Other Matters

8. The Histon and Impington Conservation Area comprises a diverse range of buildings of varying design and age that has developed organically. It derives significance from the variety of architectural styles and its rural village atmosphere. Notwithstanding the variety, there is a visual unity in the immediate locality that results from consistency in scale and the use of local materials and detailing.
9. The proposal would utilise local materials and detailing and would be of a similar height to the surrounding properties. Similarly, it would conform to the varied aesthetic and organic pattern of development. Therefore, the proposal would preserve the character and appearance of the Histon and Impington Conservation area.
10. The appeal site forms part of the setting of the adjacent Grade II listed properties, Nos 2 (Rose and Crown pub) and 4 Glebe Way which derive significance from their historical use as well as their architectural character and detailing. Although in close proximity to the listed buildings, the previously approved access and landscaping would create a formal division which would reinforce the visual and functional separation of the appeal site. Further, there would be no effect on the continued use of the pub nor the attached cottage. Therefore, the proposal would preserve the setting of the listed buildings.

11. Regardless of the first-floor balcony, the proposal would achieve significant intervening distances and would not directly address any of the surrounding properties in terms of their outlook. Boundary fencing and mature planting would further obscure views. Therefore, the proposal would not result in any significant loss of privacy for the occupants of neighbouring houses nor the future occupiers of the development. Similarly, the proposal would be sited sufficiently far from the pub, so the future occupiers would not suffer from excessive noise. Due to its position, the proposal would not be harmfully overshadowed by the existing trees.
12. I note concerns regarding the loss of trees prior to this appeal, however I have assessed the proposal based on the condition of the site during the site visit. Two trees would be removed as part of this appeal scheme, however, the majority of trees on site would be retained. Further, additional planting and ecological enhancements could be secured via condition to improve biodiversity. Therefore, any overshadowing effect of the landscape proposals including any proposed modest changes in ground levels would not be likely to harmfully affect the living conditions of the neighbouring occupiers.
13. Several concerns have been raised regarding highway safety; however, the proposed access is consistent with the previously approved scheme¹ and there is no evidence to suggest that highway safety would be compromised by the addition of a single dwelling, nor that noise or disturbance would harmfully increase. Conditions have also been suggested relating to the construction period, which would limit working and delivery hours and would require additional logistics and mitigation information to be provided. However, the scale of the proposal is limited to a single dwelling on a sizeable plot, nor has it been indicated that pile foundations for the dwelling would be required. Therefore, the disruption caused by the construction of the proposal would be minimal and would not justify further conditions.
14. While I appreciate that the neighbours would like clarity surrounding the maintenance of boundaries, this is a civil matter between the relevant parties and not within my control.
15. I note the comments made by an interested party that the land should be used to expand the current B&B accommodation housed adjacent the pub which would supply the pub with an ongoing enhanced revenue stream or as an expansion of the existing pub garden, however the land appears to have been visually and functionally separated from the pub for some time and the previously approved access would further reinforce this. Consequently, the proposal would not result in the loss of valued facilities, nor would it detrimentally affect the continued use of the pub or existing B&B accommodation. Further, I have no evidence before me to suggest that the occupation of the bedroom above the garage should be restricted.

Conditions

16. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against

¹ Application Reference: S/3620/19/FL

the Framework and Planning Practice Guidance and where necessary I have amended the wording.

17. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans to provide certainty [2]. As the proposal is partly located within a conservation area, further details and samples of the proposed materials are required to ensure the quality of the materials and that the proposal preserves the appearance of the area [3].
18. I am satisfied that a condition requiring an energy statement, to ensure energy efficiency and the reduction of carbon emissions is justified by Policy CC/3 of the SCLP. However, I have amended the wording to reflect the specific policy requirements and as there is no evidence to indicate that future grid capacity issues may arise, this element of the draft condition will be omitted [4]. To ensure the development is adequately drained, a scheme detailing foul and surface water drainage is required [5]. A further condition is required to ensure compliance with the recommendations made within the flood risk assessment, in order to prevent an increased risk of flooding and to safeguard the future occupiers' safety [6].
19. A landscaping condition is necessary to ensure that the site adequately assimilates into the area [7], however a maintenance and management plan is not necessary for a proposal of this scale and so this element has been omitted. Conditions are necessary to ensure appropriate ecological enhancements are made in the interests of biodiversity. I have had regard to the parties' comments, and I am satisfied that a condition requiring an ecological enhancement scheme [8], and a Biodiversity Net Gain Plan [9] will acceptably meet the requirements of Policies HQ/1 and NH/4. A further condition is required to ensure compliance with best practice ecological and arboriculture recommendations made within the submitted reports, in order to conserve and enhance ecological interests and to minimise the effect of the proposal on the health of the retained trees [10].
20. Policy TI/10 expects new development to contribute towards the provision of suitable infrastructure to enable the delivery of high-speed broadband services. I am satisfied that a condition requiring adequate infrastructure is reasonable and necessary [11]. Local Plan Policy CC/4 requires higher water efficiency standards in residential development than the national Building Regulations in response to the challenging local circumstances on water supply in the area, therefore a condition on water efficiency is necessary and reasonable [12].
21. Several conditions have been suggested in the interests of highway safety but are not necessary as the information requested will be provided within the landscaping and drainage schemes. Further, as the access has been previously approved, a condition requiring the design to be amended would not be enforceable. A condition is required to ensure the parking area is in place prior to occupation so as not to effect highway safety [13] and secure bicycle storage is required to promote sustainable transport [14].

Conclusion

22. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3432/RCJC/12/009 Rev P1 Location and Block Plans
 - 3432/RCJC/12/020 Rev P1 Proposed Site Plan
 - 3432/RCJC/12/021 Rev P0 Proposed Ground and First Floor
 - 3432/RCJC/12/022 Rev P0 Proposed Elevations
- 3) Prior to any development above ground works, details of all materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - a) a sample panel of all facing brickwork detailing the bond, mortar mix, design and pointing technique;
 - b) a sample of the type and source of all roof covering materials;
 - c) roof ridge, eaves, and hip details;
 - d) details of the timber cladding, including surface finish/texture, colour, all edge, junction, and coping details and relationships to glazing and roofing.Development shall be carried out in accordance with the approved details and samples. The approved samples shall be retained on site until the work is completed.
- 4) Prior to any development above ground works, an Energy Statement, shall be submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the dwellings as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. Prior to occupation, development shall be carried out in accordance with the approved details and thereafter maintained.
- 5) Prior to any development above ground works, a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the dwelling hereby approved is occupied.

- 6) The development, hereby permitted, shall not be occupied until all identified flood alleviation and protection measures have been completed in accordance with the Flood Risk Assessment, Report Ref 2864/RE/01-22/01, prepared by Evans Rivers and Coastal dated February 2022. The completed measures shall thereafter be retained in accordance with the approved measures.
- 7) Prior to any development above ground works, a landscaping scheme, shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) finished ground levels;
 - b) hard landscaping details;
 - c) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, sizes and proposed numbers/densities where appropriate;
 - d) boundary treatments indicating the type, positions, design, and materials, including provision for gaps in fencing for hedgehogs;
 - e) an implementation programme.

Development shall be carried out in accordance with the approved details and the agreed implementation programme. Any trees or plants (existing retained or proposed) that, within a period of five years after planting (or replanting if previously failed), are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives written consent to any variation.

- 8) Prior to any development above ground works, a scheme of ecological enhancement, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of features to be enhanced, recreated, and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.
- 9) Prior to any development above ground works, a Biodiversity Net Gain Plan (BNG Plan), shall be submitted to and approved in writing by the local planning authority. The BNG Plan shall target how a net gain in biodiversity will be achieved through a combination of on-site and/or off-site mitigation. The BNG plan should utilise the appropriate DEFRA metric in force at the time of application for discharge. The BNG Plan shall include:
 - a) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;
 - b) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site;
 - c) Identification of the existing habitats and their condition on-site and within receptor site(s);
 - d) Habitat enhancement and creation proposals on the application site and /or receptor site(s);

- e) An implementation, management, and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion e) shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

- 10) The development hereby approved shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal Report Version 2, prepared by Practical Ecology dated February 2022, and the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan, prepared by Hayden's Arboricultural Consultants dated 9 March 2022 unless otherwise approved in writing by the Local Planning Authority.
- 11) Prior to occupation, a scheme detailing infrastructure suitable to enable the delivery of high-speed broadband services, shall be submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) Prior to occupation, a water efficiency specification for each dwelling, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations, shall be submitted to and approved in writing by the local planning authority. The specification shall demonstrate that each dwelling is able to achieve a design standard of water use of no more than 110 litres/person/day. Development shall be carried out in accordance with the approved details.
- 13) Prior to occupation, the parking area indicated on drawing 3432/RCJC/12/020 Rev P1, shall be provided and shall thereafter be retained as such for that specific use.
- 14) Prior to occupation, a scheme detailing secure, covered cycle parking, shall be submitted to, and approved in writing by the local planning authority. Prior to occupation, development shall be carried out in accordance with the approved details, and thereafter be retained in perpetuity.

*****End of Conditions*****