



Appeal Decisions

Site visit made on 28 February 2023

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal A Ref: APP/V0510/W/22/3300435

The High House, 41 Mill Street, Isleham, Cambridgeshire, CB7 5RY

- 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 Mrs Rose George against the decision of East Cambridgeshire District Council.
 - The application Ref 22/00282/FUL, dated 5 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is described as two bed annexe outbuilding to be used as a separate 2-bed dwelling house. Alterations to front boundary walls including repair works, reinstating of coping stone, railings and entrance gate.
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Appeal B Ref: APP/V0510/Y/22/3300436

The High House, 41 Mill Street, Isleham, Cambridgeshire CB7 5RY

- 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 Mrs Rose George against the decision of East Cambridgeshire District Council.
 - The application Ref 22/00312/LBC, dated 5 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is described as two bed annexe outbuilding to be used as a separate 2-bed dwelling house. Alterations to front boundary walls including repair works, reinstating of coping stone, railings and entrance gate.
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Decisions

Appeal A Ref: APP/V0510/W/22/3300435

1. The appeal is allowed and planning permission is granted for the two bed annexe outbuilding to be used as a separate 2-bed dwelling house. Alterations to front boundary walls including repair works, reinstating of coping stone, railings and entrance gate at The High House, 41 Mill Street, Isleham, Cambridgeshire, CB7 5RY in accordance with the terms of the application, Ref 22/00282/FUL, dated 5 March 2022, subject to the conditions in the attached schedule 1.

Appeal B Ref: APP/V0510/Y/22/3300436

2. The appeal is allowed and listed building consent is granted for the two bed annexe outbuilding to be used as a separate 2-bed dwelling house. Alterations to front boundary walls including repair works, reinstating of coping stone, railings and entrance gate at The High House, 41 Mill Street, Isleham, Cambridgeshire, CB7 5RY in accordance with the terms of the application, Ref 22/00312/LBC, dated 5 March 2022, subject to the conditions in the attached schedule 2.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The appeal site comprises 41 Mill Street, which is a Grade II listed building, front boundary walls and an annexe outbuilding at the rear. Due to their location, age and association with 41 Mill Street, the Council consider the front boundary wall and annexe outbuilding to be curtilage listed structures¹ which the appellant has not challenged. Consequently, I have determined the appeal on this basis.
5. In the context of the above and as the site is located within a conservation area, I have had special regard to sections 16(2) and 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The description of development in the heading above has been taken from the planning application and listed building application forms. However, in Part E of the appeal forms it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties have provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application forms.

Main Issues

7. The main issues are:

Appeals A and B

- whether the proposal would i) preserve the Grade II listed building, 41 Mill Street, or its setting and ii) preserve or enhance the character or appearance of the Isleham Conservation Area.

Appeal A only

- The effect of the development on highway safety, with particular reference to pedestrian visibility.

Reasons

Special interest and significance

8. The appeal site comprises the principal Grade II Listed Building, known as 41 Mill Street, with List Entry Number 1126434. The listed building is a detached early 18th century house, which was extended in the 19th century. It is set back from Mill Street and the site is enclosed by a brick and stone boundary wall. From the evidence before me, the special interest and significance of the listed building is largely found in its historic and architectural interest. Its illustration of early 18th century domestic architecture along with its grand but polite architectural style, incorporating traditional materials and detailing, make important contributions in these regards. The curtilage of No 41 Mill Street provides an immediate setting, with the surrounding villagescape providing a

¹ Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990

wider setting, both of which contribute positively to the listed building's special interest and significance.

9. The boundary treatment in the front of the building comprises brick piers with a brick low wall in between. Either side of this are tall brick and stone walls incorporating an opening which allows access to the rear of the appeal property. However, it is in somewhat of a poor condition with some crumbling brick and stonework and significant structural damage to one pillar. Nevertheless, it provides a formal boundary and framing to No 41 Main Street, serving to highlight its status and importance within the street scene. It appears that, whilst some parts of the wall are later additions from the 19th century, the low frontage section may have been constructed at a similar time as the main house, and so contributes to the special interest and significance of No 41 Mill Street. I note that applications to repair the wall have previously been approved.
10. Access to the appeal site is along a gravel driveway which runs to the side of No 41 Mill Street and leads to a substantial rear garden and a detached ancillary building, which forms part of this appeal. The appeal building was given permission for use as an annexe in 2014 and works have been carried out to convert the building for this use. The existing annexe replaced a previous outbuilding which was constructed between 1888-1902. Whilst not part of the original complex of buildings on the site, the annexe's age, vernacular form and role in the evolution and narrative of the site, cause it to make a meaningful contribution to the special interest and significance of No 41 Mill Street.
11. The appeal site is also located within the Isleham Conservation Area, which incorporates a relatively large part of the village, focusing on its historic core as well as some later development, and encompasses the whole of Mill Street. The Conservation Area's character and appearance, and thus its special interest and significance stem, in part, from its surviving historic street pattern and linear pattern of development. Many properties are located back of pavement, but where they are set back, stone and/or brick walls provide a robust and formal boundary treatment which contribute to the area's character and sense of place. The appeal site occupies a relatively central location within the Conservation Area and a prominent position within the street scene. As such, the property as a result of its age, surviving historic fabric and features, historic form and traditional materials, and its curtilage structures make important contributions to the Conservation Area as a whole and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

12. The annexe is set to the north east of No 41 Mill Street. It is positioned to the rear of No 39 Mill Street, with its front elevation set flush with the boundary wall, and therefore from the public realm there are only glimpses of the building along the driveway. The proposal would involve the change of use of the building to be used as an independent dwelling from the host property and would include some of the existing garden land as its residential curtilage. There are no physical alterations proposed to the annexe.
13. The subdivision of the annexe and No 41 Mill Street would result in the loss of part of the curtilage of the listed building. However, I note from the Heritage

Statement² that originally the property was on a much smaller plot as evidenced by the historic tithe maps, and that over time the property incorporated additional surrounding land, including the orchard. Although there would be a functional separation of the two buildings, there would be no formal visual or physical subdivision of the access or site as part of the proposal. In that sense, the historic associations of the buildings could still be read and appreciated. Accordingly, I find that the use of the annexe as a separate building would preserve the listed building and its setting.

14. For the above reasons, I find that as a result of its separation from the host property, its overall positioning to the rear of number 39 and its current form as an annexe, its change in use to an independent property would not weaken the historic legibility of the site. Furthermore, the listed building would retain a substantial area of curtilage land which far exceeds its original boundaries and therefore the loss of a modest area of land would not interfere with the ability to appreciate the evolution of the site as a whole. I also find that no compelling evidence has been provided to demonstrate that the proposal would damage the viability of No 41.
15. Accordingly, I find that the proposed use of the annexe as a separate dwelling would preserve the Grade II listed building, 41 Mill Street, and its setting. It also logically follows that it would preserve the character and appearance of the Conservation Area. In this specific regard, it would accord with the requirements of Sections 16(2), 66(1) and 72(1) of the Act. In doing so it would not harm the significance of these designated heritage assets.
16. The proposed development and works to the front boundary wall include the repair and repointing of the brick piers and low wall and the installation of wrought iron railings and a pedestrian gate. However, the proposal also involves the removal of short sections of brick wall either side of the existing driveway to extend the opening to around 6 metres. This would result in the loss of historic fabric, albeit small, and the weakening of an important character feature within the Conservation Area.
17. Given the above, I find that the proposed loss of historic fabric in the removal of part of the boundary wall, would not preserve the Grade II listed building, 41 Mill Street, and its setting. It follows that this would also not preserve the character and appearance of the Conservation Area. In this specific regard, it would fail to meet the requirements of Sections 16(2), 66(1) and 72(1) of the Act. In doing so it would harm the significance of these designated heritage assets. I return to this later.

Highway Safety

18. The appeal site is served by an existing vehicular access off Mill Street which crosses the footpath. The footpath at this point of Mill Street is very wide and the road is relatively straight with good visibility. There are marked on street parking bays running along the frontage of the appeal site, allowing for unrestricted on street parking either side of the vehicular access.
19. The local highway authority has not raised concerns with the width or location of the access for the use of vehicles, however they are not satisfied that the

² Heritage Statement dated 10 February 2022

required pedestrian visibility splays can be achieved which could lead to a negative impact on pedestrian safety.

20. I note the requirements for the pedestrian visibility splays and accept that other narrow accesses and driveways in the area do not automatically mean that this access would be acceptable. However, I have had regard to the increased access width, the width of the footpath at this point and its relative straightness and the presence of the existing access. I also consider that the cars entering and exiting the appeal site would be doing so at very low speeds, particularly due to the potential for parked cars in proximity to the access. I therefore find that, notwithstanding the required pedestrian visibility splays, the proposal would be unlikely to give rise to significant highway safety impacts on pedestrians at this point.
21. Consequently, I conclude that the proposal would comply with Policy COM7 of the East Cambridgeshire Local Plan 2015 (the Local Plan) which seeks to ensure that development provides safe and convenient access to the highway network, amongst other things.

Other Matters

22. An objection has been received from Isleham Parish Council, concerning in addition to the above matters, the loss of off-street car parking space for the main house. However, the plans show adequate parking for both the main property and the annexe and as such, I am satisfied that suitable parking arrangements can be achieved for both properties and there would be no harm in terms of highway safety in this regard.

Public benefits, balance and conclusion

23. In accordance with paragraphs 201 and 202 of the Framework, it is for the decision maker, having identified harm to the significance of a designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to the listed building and Conservation Area to be modest and certainly less than substantial given the limited extent of loss and alteration and I note that this level of harm is acknowledged by the appellant. Nevertheless, this harm carries considerable importance and weight in the planning balance.
24. I have considered the current condition of the wall, and the level of damage and disrepair that is currently visible. The reconstruction of these parts of the wall that are in poor repair, would serve to reinstate the historical relationship with the listed building, would improve its safety and stability, as well as pedestrian safety, and would visually improve the appearance of the wall. I therefore find this to be a public benefit which would sustain and enhance the significance of the heritage asset and I consider that this would outweigh the less than substantial harm arising from the loss of part of the historic wall in this instance.
25. Given the above, I conclude that on balance the proposal would preserve the special architectural and historic interest of the Grade II listed building, 41 Mill Street and its setting; as well as the character and appearance of the Conservation Area. This would satisfy the requirements of the Act and the relevant provisions of the Framework. It would also not conflict with Policies ENV1, ENV2, ENV11 and ENV12 of the Local Plan which collectively seek to

ensure that developments within Conservation Areas should be of a particularly high standard, seek to retain attractive traditional materials and features, such as boundary walls and development affecting a listed building should preserve or enhance the significance of the building, and not materially harm the wider setting, amongst other things. As a result, the proposal would be in accordance with the development plan.

Conditions

26. I have been provided with a list of suggested conditions if the appeals were to be allowed. I have considered these against the advice and tests set out in the Framework and the Planning Practice Guidance.
27. In addition to the standard time limit conditions for both appeals, I have imposed a condition listing the approved plans on the planning permission as this provides certainty. However, it is not necessary for the plans to be included as a condition on the listed building consent, as adherence to the plans which accompany the application is part of the formal decision.
28. In the interests of preserving the special interest and significance of the designated heritage assets, a condition requiring details of the proposed railings is necessary.
29. Conditions for unsuspected contamination and biodiversity enhancements are necessary to ensure the appeal site is suitable for its end purpose and to ensure there are no adverse impacts on protected species and their habitats. I have imposed conditions restricting the use of gates or other boundary treatments across the vehicular access and a parking restriction on the public highway in the interests of safe and suitable access and highway safety.

Conclusions

30. For the reasons given above, and having regard to all matters raised, I conclude that both Appeals A and B should be allowed.

R Norman

INSPECTOR

Appeal A: Schedule of conditions 1

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Development shall be carried out in accordance with the following plans: Drawing Numbers 20089F-0000; 20089F-0002; 20089F-0300; 20089F-0100; 20089F-1003; 20089F-1004; 20089F-1002; 20089F-001 and 20089F-1310.
- 3) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported to the local planning authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the local planning authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the local planning authority.
- 4) Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the local planning authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 5) There shall be no contractor parking on the public highway during the construction phase associated with the approved works.
- 6) Notwithstanding the provisions of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, amending or re-enacting that order), no gates, fences or walls shall be erected across the approved vehicular access on Mill Street.

Appeal B: Schedule of Conditions 2

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No above ground construction shall take place on site until drawn details (minimum 1:10 scale) of the railings to be used in the development hereby approved have been submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.