The Planning Inspectorate

Appeal Decision

Site visit made on 19 April 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2023

Appeal Ref: APP/H0520/D/23/3317235
21A Church Street Yaxley PETERBOROUGH PE7 3LH

- 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 Michael Gipp against the decision of Huntingdonshire District Council.
- The application Ref: 22/01002/HHFUL dated 03 May 2022 was refused by notice dated 08 December 2022.
- The development proposed is two storey side extension.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 6th June 2023

Decision

1. The appeal is allowed and planning permission is granted for two storey side and extension at 21A Church Street Yaxley Peterborough PE7 3LH in accordance with the terms of the application Ref: 22/01002/HHFUL dated 03 May 2022 and the plans submitted with it, subject to the following conditions:

    1) The works authorised by this consent shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21/6/A; 21/6/B R1; 21/6/C/R1; 21/6/D/R1; 21/6/F R1; 21/6/E R1;

    3) The development hereby permitted shall use external materials which match in colour, texture and appearance, those found on the existing building.

Main Issues

2. The main issues are the effect of the proposal upon:
    (i) the living conditions of neighbouring users, and
    (ii) the character and appearance of the area, including upon the Yaxley Conservation Area.

Reasons

Living Conditions

3. The appeal site, No.21A Church Street (No.21A) is a mid-twentieth-century two storey dwelling, the westernmost of three detached houses which are set outwith but adjacent to the Yaxley Conservation Area (YCA) in this part of

Church Street. The proposal would add a study room at ground floor level which would reduce the distance from the shared boundary with No.21 Church Street (No.21) by 2.4m to 700mm at ground floor level. The upper floor of the extension would be significantly smaller but of similar width, stepping in from the front and rear of the study extension to provide an ensuite bathroom to the adjacent existing bedroom. The resulting, somewhat contrived, built form responds to concerns as to the effect upon its neighbour in terms of access to daylight. I note the neighbour consultation response to this revised proposal appears to withdraw earlier complaints.

4. The Council refer to a daylight and sunlight assessment being prepared as to the impact of the proposal on the two habitable rooms which have windows on the flank wall of No.21, a dining-kitchen on the ground floor and the bedroom above. The Council quotes the report as stating that there would be a low impact on light receivable, but that daylight levels would be not BRE[1] compliant on these two windows on the flank wall. It does not seem that I have been provided with this study, nor does it appear on the Council's website; in consequence I have relied on my own observations.

5. The adjacent flank wall of No.21 would, reportedly, be 3.5m from the proposed extension, with, however, a high fence and planting along the intervening boundary, which would be in the region of only 2m from the outer face of the bay window based on the dimensions provided. It seems to me that access to daylight for the ground floor room would be already less than ideal, indeed it seems to me that the purpose of constructing a bay window in this location would have been, in part, to address those limitations in the way the appellant has suggested[2].

6. Given the existing setting and that the upper part of the proposed extension would be scaled back from the ground floor extension (which itself could have little impact on access to daylight for the neighbour) it seems to me the impact on the dining room of No.21 would not be significant. Access to daylight for the upper, bedroom, window would be, from my observations, largely unaffected due to its position in relation to the narrow upper floor gable as I explain below.

7. Turning to the visual effect of the proposal it is clear that the proposed extension would be apparent to the neighbouring user when looking out from the existing bedroom window, but that the window concerned would still have some views across the lower roof surfaces of the extension which are not unacceptably dissimilar to those it currently enjoys across the frontage of 21A towards Church Street. Given the overall spacious surroundings I do not consider the result would be unacceptably overbearing or detrimental to the amenity of neighbouring users. I conclude, therefore, that there would be no conflict with Policy LP14 of the Huntingdonshire Local Plan 2019 (HLP) or with 3.7 of the Huntingdonshire Design Guide Supplementary Planning Document 2017 (SPD) which sets out the Council's approach to achieving a high standard of amenity.

Character and Appearance

[1] Building Research Establishment digest 209.
[2] As reported by the Council

8. Although the appeal site and two neighbours are not within the YCA, they are plainly in its setting since they contribute to the experience of this linear conservation area which has the Grade 1 listed St Peters Church (St Peters) at its west end but incorporating both Church Street and Main Street; the length of the village. St Peters is around 120m from the appeal site. Given this distance and disposition of the buildings concerned my observations indicate that the appeal site is not within the setting of this important listed building and therefore that what is proposed would not cause any harm to its significance.

9. Turning to the effect of the proposal upon the host building and YCA it is likely (I have no Character Appraisal of the YCA before me) that the exclusion of Nos 21 & 21A) from the somewhat tightly-drawn perimeter of the YCA is likely to be not unrelated to their status as twentieth-century insertions in this otherwise largely historic street. Whereas the presentation of No.21 to the street appears to largely retain its original form, No.21A, as a post-war[3] two-storey detached house likely first built with a simple hipped roof, has been significantly altered by frontal extension. This has resulted in a prominent area of sloping roof surface which runs to ground floor eaves in order to incorporate that extension. The resulting building does not present as a single coherent architectural form but as a house which has absorbed change in a rather obvious manner.

10. The proposed side extension would be capable of criticism for the same reasons, and this is the Council's position. However, given that the design has responded to other legitimate planning concerns (neighbour amenity) to which significant weight should be attached, against the starting point of the existing building form and appearance I do not find the effect on the character and appearance of the host dwelling to attain the bar of unacceptability.

11. I now turn to the specific question as to the effect of the proposal on the character and appearance of the YCA. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-takers to have regard to the desirability of preserving or enhancing Conservation Areas.

12. The YCA has a linear character incorporating street frontages of largely older properties but excluding areas of more recent housing (such as Westfield Road) which are nevertheless in its setting. Although the proposed extension would be apparent in the street scene, it would be no more prominent than other development outwith, but visible from, the YCA. Users' experience of the YCA is largely framed by the sense of enclosure from older buildings which relate tightly to street frontage and the experience of passing along a historic, albeit much changed, village street in which more recent development plays a lesser part. Overall, I do not consider the degree of change to the host building, when considered in the wider setting of the YCA would be such that what is proposed would fail to preserve the character and appearance of the YCA.

13. I have concluded there would be no unacceptable harm to the host building, and on that basis the proposal would accord with Policies 11,12 and 34 of the HLP which seek high standards of design and to ensure development preserves or enhances conservation areas. I therefore conclude, taking all matters raised into account and for the reasons given, the appeal succeeds subject to the usual plans and timing conditions but also to ensure suitable materials are used.

[3] Post WW2 in third quarter of twentieth century

Andrew Boughton
INSPECTOR