



Appeal Decision

Site visit made on 18 October 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/H0520/W/23/3317583

The Birches, Chapel Street, Yaxley, Cambridgeshire PE7 3LW

- 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 Samuel Hooley against the decision of Huntingdonshire District Council.
 - The application Ref 22/01966/HHFUL, dated 12 September 2022, was refused by notice dated 16 December 2022.
 - The development proposed is open sided parking shelter to the front of the property complete with solar array.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including its effect on protected trees.

Reasons

3. The surrounding area is residential in nature and features a mix of house types of varying size and design. South-east of the appeal site, Chapel Street is lined by a row of terraced and semi-detached dwellings in a close arrangement with modest front gardens on one side, and detached dwellings on the other. The frontages along this part of the street are relatively open.
4. North-west of the appeal site, the area has a more suburban layout comprising detached and semi-detached dwellings and bungalows, typically set back from the street. The appeal site is located on a stretch of road between these two areas, in which the higher ground level of plots and their associated boundary fences/walls provide a degree of enclosure to the street.
5. The appeal site comprises a detached dwelling and its associated curtilage, including a detached home office building. The host dwelling and this outbuilding are significantly set back from the front boundary of the site, providing a sense of spaciousness at the front of the plot. This provides relief from the otherwise enclosed nature of this stretch of the road. The considerable tree and shrub planting along the roadside and within plot boundaries further softens the built development and engineered boundaries.
6. Section 3.5 of the Council's Design Guide 2017 Supplementary Planning Document (SPD) highlights that garages are ancillary to the house and should not become prominent features. It advises that garages should be aligned with or set back from the building frontage. While the proposal is not for a fully

enclosed garage, these principles can reasonably be applied to the proposed shelter in this instance given its comparable function and form.

7. The appeal proposal would introduce a large open-sided parking shelter into the space to the front of the site. This would be considerably forward of the building frontage, contrary to guidance within the SPD. The structure would include solar panels on the southern elevation, resulting in an elongated and asymmetrical roof form.
8. Though it would be set back from the front boundary to some extent, the proposal would be significantly taller than the fence running along the side of the unenclosed driveway, which it would sit adjacent to. The topography in this location would further emphasise its height from street level. The shelter would therefore be a prominent and incongruous feature in the street scene, that would have a deleterious effect on the character and appearance of the area.
9. A degree of screening is provided on approach to the site by the topography of the area, boundary structures and soft landscaping. However, the proposal would remain clearly visible in closer views given its size and proximity to site boundaries, and this is therefore insufficient to negate the identified harm.
10. My attention has been drawn to other examples of outbuildings on neighbouring plots that sit forward of the main building. These include the bin store serving the neighbouring flatted development. While this structure is visible from the street, it is set back further from the footpath, behind trees and hedges, and is not significantly elevated. The timber shed to the front of the neighbouring dwelling to the south is also relatively modest in size and substantially screened by fencing. These examples therefore do not lead me to a different conclusion on this main issue.
11. I recognise that the use of timber cladding and installation of solar panels may not be uncharacteristic of this area. However, this does not overcome the identified harm arising from the size and siting of the proposed structure.
12. I saw on my site visit that this part of the site is currently being used to park a touring caravan. The proposal would provide screening of the caravan. However, due to its mobile nature, any harmful effect on the character and appearance of the area arising from the siting of this caravan does not have the same level of permanence as the appeal proposal would have.
13. In addition to the above, there is a mature Horse Chestnut tree (T1) in the corner of the site, close to the front and side boundary, which is subject to a Tree Preservation Order (TPO). It is located opposite the site of the proposed shelter and sits within a row of trees lining Chapel Street. Its considerable size makes it a prominent landscape feature that positively contributes to the area's prevailing character and appearance, and there is no compelling evidence to indicate it would not survive for many more years. Any premature decline or loss of the tree would therefore have a further adverse impact on the character and appearance of the area.
14. The proposal is supported by a Tree Survey and Arboricultural Assessment¹ (TSAA). This concludes that it is highly unlikely that any damage to the roots of the tree will occur, given the method of construction and type of foundation

¹ Ethical Arboriculture, Tree Survey and Arboricultural Assessment, 16/09/2022

proposed. However, the report does not address the impact of existing surfaces.

15. The Council's Arboricultural Officer contends that the material used to raise levels in this area is inappropriate and may not remain gas and water permeable. Furthermore, they highlight that the use of "Type 1 MOT" as a foundation layer is not recognised as a "no-dig" solution within the Root Protection Area (RPA), over time can create an impervious layer and, in the absence of a supporting framework, there is a risk of localised compaction.
16. The TSAA states that level changes and the existing brick retaining wall will have restricted root growth/presence to the south/south-east. The appellant's arboricultural consultant therefore maintains that it is feasible that the majority of rooting is positioned off-site to the north and north-west. However, additional root investigation is required to confirm if this assumption is correct. Moreover, no assessment of soil density or compaction levels in the location of the proposed shelter has been provided.
17. In the absence of clarity in respect of the above matters, I cannot conclude that the proposal would not have a harmful effect on T1. It is also unclear what additional mitigation measures or amendments to the proposal may be required to negate any undue harm. I therefore do not consider that this matter can be reserved to a planning condition or that this would comply with the legal duty under Section 197 of the Town and Country Planning Act 1990.
18. I conclude that the proposal would have a harmful effect on the character and appearance of the area, including its effect on protected trees. It is therefore contrary to Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036, adopted May 2019 (the Local Plan). These policies, among other provisions, seek to ensure proposals are well designed, respond to their context, positively contribute to the area's character and identity, have appropriately scaled built frontages, avoid the introduction of incongruous and/or intrusive elements, and apply the guidance contained in the SPD.
19. The proposal would also conflict with Policy LP31 of the Local Plan, which requires proposals to demonstrate that the potential for adverse impacts on trees has been investigated, and to set out how adverse impacts will be avoided or minimised, among other provisions.

Other Matters

20. The proposed solar panels would contribute towards the sustainability of the property and reduce its carbon impact, and I recognise that positioning them in this location may be beneficial in terms of power generation. This would only be a modest benefit of the scheme given its small scale and context, and insufficient to outweigh the identified harm and development plan conflict.
21. Policy LP35 of the Local Plan supports proposals for renewable or low carbon energy generating schemes in principle. However, this is subject to the proposal demonstrating that all potential adverse impacts are, or can be made, acceptable. This has not been demonstrated in this instance.
22. Likewise, Policy LP12(j.) of the Local Plan supports development that makes efficient use of energy resources. This would not however outweigh the identified harm and conflict with the other parts of this policy.

23. Paragraph 124 of the National Planning Policy Framework indicates that decisions should support development that makes efficient use of land. However, this primarily relates to achieving appropriate densities and, in any event, states that this must take into account the desirability of maintaining an area's prevailing character and setting. Given the identified harm, it has not been demonstrated that the proposal represents an efficient use of land.
24. No objections were received from neighbours, and the Parish Council indicated their support for the proposal. However, this does not in itself demonstrate that the proposal is acceptable in respect of the main issue.
25. While I have not identified any harm or development plan conflict other than that set out above, the absence of harm or development plan conflict in respect of other relevant matters is neutral and weighs neither for nor against the proposal.

Conclusion

26. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR