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## Appeal Decision

Site visit made on 21 December 2023

**by P. D. Biggers BSc Hons MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 January 2024.**

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**Appeal Ref: APP/W0530/D/23/3329186**

**24 West Street, Comberton, Cambridgeshire CB23 7DS.**

- 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 Alistair Funge against the decision of South Cambridgeshire District Council.
  - The application 23/00375/HFUL, dated 1 February 2023, was refused by notice dated 20 June 2023.
  - The development proposed is replacement of existing outbuilding with 3 bay single storey garage with mono pitch low profile roof.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In the period since the appeal was submitted the Government has published a revised version of the National Planning Policy Framework. None of the changes are relevant to this appeal but I have used the paragraph referencing from the new Framework in my decision below.
3. The site plan submitted with the appeal refers to a new gate at the front of the property. I note that the Council has not determined this as it considered the proposal to be permitted development confirmed by its decision (Ref 21/01633/CL2PD). I concur with this assessment and have not considered this aspect of the proposal in my decision.

### Main Issues

4. The main issues are whether the proposed development would have an adverse impact on:
  - the character and appearance of the Conservation Area surroundings on West Street and on the neighbouring listed buildings at Nos 14 and 18 West Street.
  - the living conditions of present and future occupiers at No 14 West Street in terms of proximity and loss of outlook and light.

### Reasons

#### *Character and Appearance*

5. The appeal property sits on the north side of West Street and is a recently built detached house in a traditional style finished in render under a tiled roof. Grade II listed buildings lie adjacent to the eastern boundary of the property with No 14 positioned prominently on the West Road frontage. Located along this eastern boundary within the appeal site are an oil storage tank, a pitched roof timber

outbuilding which would be replaced by the proposed garage and a touring caravan. The appeal property is partly screened from the road by mature hedging and a yew tree but the appeal site and the listed buildings are visible through the gateway in close views approaching from the west on the footpath on West Road.

6. In the period since the submission of the appeal, an application has been made for a smaller 2 bay timber garage and permission has now been granted. The property now has the benefit of that permission subject to conditions (Ref 23/03293/HFUL).
7. I have been referred to another timber-built outbuilding at No 17 West Street which the appellant considers justifies the appeal proposal. However, from my observations on site, although No 17 is listed, I am not persuaded that the two cases are similar as that at No 17 does not obscure the listed building and it backs onto a lane / accessway to neighbouring properties at the rear and not onto a listed dwelling immediately adjacent. I will therefore determine the appeal proposal on its own merits.
8. I acknowledge that the existing ancillary development within No 24's plot is not favourable to the listed buildings and their settings. However, the replacement of the timber outbuilding with the longer, higher, 3 bay garage building proposed would compound the current harm, permanently obscuring the side elevation of the listed buildings. It has been put to me that the landscaping on the street frontage would screen the view of the proposal and the listed buildings' side elevation. However, as stated above, I do not accept this is the case on the close approach on the footpath along West Road from the west but, in any event, just because there is screening would not remove the harm to the listed buildings as a result of the proposal's positioning. I accept that the touring caravan is currently sited in what would be part of the proposed garage footprint but the stationing of a caravan is not the same as constructing permanent development.
9. I have been invited to conclude that siting the proposal slightly further from the listed buildings than the existing outbuilding and the careful design with regard to height and use of materials would make the proposal's impact acceptable. However, a 2 metre separation from listed buildings and the prominent siting of the outbuilding in front of them would represent harm to the significance of the buildings and their setting.
10. By contrast the alternative scheme of a 2 bay garage, now permitted, at least does not extend along the side elevation to the listed buildings to the same extent, allowing part of the side elevation to be read. This would not be the case with the appeal proposal.
11. The Framework at paragraph 135 requires that developments must be sympathetic to local character and history, including the surrounding built environment amongst other things and in these respects the proposal fails. HQ/1 of the South Cambridgeshire Local Plan (SCLP) reflects the Framework in requiring development to preserve or enhance the character of the local urban and rural area and conserve and enhance important historic assets and their setting. At Policy NH/14 development proposals, to be supported, must sustain and enhance the significance of heritage assets including their settings. For the above reasons i.e. the positioning, scale and height of the garage, the proposal would have an unacceptable impact on the character and appearance of the listed buildings and constitute harm to the Conservation Area.
12. As such the requirements of the Framework at paragraph 205 and SCLP Policy NH/14 would not be met. I accept that the harm to the listed buildings and Conservation Area would be less than substantial and in these circumstances the

Framework at paragraph 208 allows for any public benefits of the proposal to be taken into consideration. In this case the appellant has presented no public benefits. Any benefit from the garage would be an entirely private benefit to the owners of the property. As such the harm to the listed buildings and the Conservation Area would not be outweighed. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their setting and to preserving or enhancing conservation areas. In this case for the reasons above the proposal would fail to at least preserve the listed buildings and Conservation Area.

### *Living Conditions*

13. The proposed garage outbuilding would be positioned approximately 2 metres from the ground floor windows of No 14 and 18. Although I accept that there is currently an existing pitched roof outbuilding positioned in front of the northern ground floor side window, currently this window lights a bathroom and is obscure glazed. There is therefore no outlook expected from it. The proposed 3 bay building would be slightly higher than the existing outbuilding and extend southwards to obscure the southern ground floor side window to No 14. It has been put to me that this window is also not a habitable room as it lights a passage and staircase. However, in fact, it was obvious from my visit to No 14 that this area is also used as guest bedroom accommodation. In any event, even if this is only an occasional use, the garage would be so close to this window as to represent an unreasonable degree of enclosure and loss of outlook for the occupants of No 14 moving about their house. I accept that the applicant's caravan is currently sited in this location but this is not a permanent structure in the manner proposed but rather a touring caravan.
14. The permitted 2 bay garage design would not extend southwards much further than the existing outbuilding and would not impact on the occupants living conditions to the same extent which is presumably why the Council has permitted the alternative application.
15. The appeal proposal would conflict with the Framework at paragraph 135 f) where it states that development should ensure a high standard of amenity for existing and future users. SCLP Policy HQ/1 at part n) is consistent with the Framework as it seeks to protect the health and amenity of occupiers and surrounding users from development that is overbearing or results in a loss of light amongst other things. The proposal to construct a permanent structure which would have an enclosing and overbearing impact as well as a reduction in winter sunlight from the west in the later part of the day would be in conflict with this policy.

### *Other Matters*

16. I understand the appellant's wish to make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. I acknowledge that this national policy objective makes the principle of the development acceptable. However, paragraph 128 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling to provide the 3 bay garage would not therefore outweigh the harm to the character and appearance of the Conservation Area and to the listed buildings as a result of the proposal.
17. Moreover, as discussed above a 2 bay garage has recently been permitted (ref 23/03293/HFUL) which, it has been accepted, would be a more appropriate

solution in the context of the listed buildings. An alternative design, albeit for a smaller garage, therefore exists to meet the appellant's need.

**Conclusion**

18. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

*P. D. Biggers*

INSPECTOR