
Appeal Decision

Site visit made on 22 February 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/H0520/W/23/3325227

5 Howitts Lane, Eynesbury PE19 2JA

- 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 & Mrs Noonan against the decision of Huntingdonshire District Council.
 - The application Ref 22/01342/FUL, dated 13 June 2022, was refused by notice dated 1 March 2023.
 - The development proposed is the demolition of existing outbuildings and erection of detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the Grade II listed No 5 Howitts Lane, other nearby listed buildings and the St Neots Conservation Area (CA); and
 - whether the proposal would be well designed and complement the character and appearance of the area.
3. As explained under other matters, two other reasons for refusal could be dealt with by attaching suitable conditions to any permission and a further reason for refusal appears to be erroneous.

Reasons

Heritage assets

4. The proposal is for the subdivision of the rear garden of No 5 Howitts Lane and the erection of a two-storey four bedroom detached dwelling. Whilst No 5, a Grade II listed building, faces onto Eynesbury Green, an attractive open space to the front, the appeal site has road frontage onto Laurels Close, a modern cul-de-sac to the rear. The new dwelling would front onto and form an addition to Laurels Close where a further property would not be out of character with the other two storey detached houses. Indeed, a two-storey dwelling (No 2a) has recently been constructed fronting onto the close on the adjacent site and another would complement the group. No 2a was constructed by subdividing the rear garden of the adjacent property No 7 Howitts Lane and the current proposal adopts the same approach.

5. No 5 is listed as a timber framed, thatched roof cottage dating from the early 18th century which is sited gable end onto the Howitts Lane road frontage. The list description dating from 1971 refers to a later addition at the east end, a two storey brick extension with pantile roof. This much later element is now difficult to distinguish from the outside and has been subsumed into a large late 20th century extension which runs across the rear of the property and faces the rear garden. The new dwelling would thus back onto this late 20th century extension rather than relate to the 18th century cottage which is now appreciated and understood from Howitts Lane and the areas of private garden on either side; not from the extensive rear garden from which it is almost completely hidden.
6. Consequently, whilst the plot within which the listed building sits would be subdivided and a new dwelling erected this would not harm the setting of the 18th century cottage or its significance. Indeed, the Council clearly recognised this point when approving an earlier application for a dwelling on this site in 2004, Ref. 04/00129/FUL.
7. No 5 is best appreciated and understood as a listed building from Howitts Lane where it forms part of an attractive historic village green setting. The building forms a group with No 2 and The Ferns, two more Grade II listed 18th century cottages, but also relates to the other frontage buildings around the green including the Grade II listed 18th century Shirdley House. This area, part of the historic village of Eynesbury, is designated within the St Neots CA for its historic and architectural interest.
8. Whilst the new dwelling would be seen from Howitts Lane behind No 5 through the gap between it and No 7 the building would be in the middle distance and seen in the context of the modern properties of Laurels Close behind. In this location it would not significantly detract from the way the listed building is seen or understood. In the same way, whilst (like No 2a) it would be sited just within the CA and glimpsed from Howitts Lane on the approach to the green, it would comprise a minor incremental change that would not detract from the character or appearance of this part of the CA which is now set in the context of adjacent modern development. The reference to resisting infilling in the CA Character Assessment relates to the Berkley Street frontage rather than proposals which would be set back and only glimpsed between buildings.
9. For these reasons the proposal would not significantly affect the setting of the Grade II listed No 5 Howitts Lane or other nearby listed buildings and would preserve the character and appearance of St Neots CA. It would therefore comply with Policies LP2 and LP34 of the Huntingdonshire Local Plan 2019 (HLP) and Policy A3 of the St Neots Neighbourhood Plan 2016. These seek to conserve and enhance the historic environment, to conserve heritage assets and their settings, protecting their significance and distinctiveness. The proposal also complies with the legislative duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA and the setting of relevant listed buildings.

Design/Character and appearance

10. Whilst the properties to the south west – Nos 3 and 1 Howitts Lane and No 37 Berkley Street - retain large rear gardens, the new plot would be similar in size to that of No 2a, the others in Laurels Close and most in the neighbourhood, and thus not out of character in that respect. The private garden area would

not be generous in relation to the size of dwelling, being about 10 m deep to the north west of the house, 6 m to the south west and 5 m to the south east, an unduly disjointed area but adding up to a reasonable amount overall. The retained private garden of No 5 would also be sufficient, that to the rear would be reduced substantially but the property also benefits from a large area to the side next to No 7.

11. However, the depth of the building footprint in the plot would result in a limited back to back distance of only about 14.6 m from the rear of No 5. The careful placement of windows would avoid intervisibility and thus protect privacy at first floor level, but the rear facing outlook from the respective ground floor living rooms would be poor. A tall close boarded fence would be just 7-8 m away, the rear gable of the new dwelling would be overbearing in the outlook from the ground floor windows of No 5 and the rear facing first floor dormer window of No 5 would have an oblique view into the rear patio doors serving the living room of the new property, impacting on privacy in the latter.
12. In addition, the front elevation of the new dwelling would be only about 2-3 m from the side boundary of No 3 Laurels Close with its front facing lounge and main bedroom windows overlooking the parking area. The existing tall close boarded fence would appear to be retained at this point immediately in front of the lounge window – an unsatisfactory outlook, but in any case the relationship would be unneighbourly. The proximity of the dwelling to the turning head and retention of the tall close boarded fence next to No 2a would result in an awkward car parking area with its spaces hard to access. Finally, the retention of tall close boarded fencing on either side of the access to the new property would represent an unattractive and unduly hard frontage significantly at odds with the open frontages of Nos 3-9 and 2a.
13. For these reasons the proposal would not be well designed nor complement the character and appearance of the area in conflict with HLP Policies LP11, LP12 and LP14. These require well-designed proposals that contribute positively to the area's character and identity, successfully integrate with adjoining buildings and spaces between buildings, create attractive built frontages that positively enhance the townscape and provide a high standard of amenity for existing and future occupiers.

Other matters

14. A large mature Sycamore tree is located within the garden of No 2a close to the appeal site; some others which were the subject of a tree preservation order have been lost. The appellant submitted an Arboricultural Impact Statement with the appeal which demonstrates that this tree, T1, can be adequately protected during construction together with the less important trees which are to be retained. Only one insignificant tree would be lost. The Council has not disputed this report and the trees could therefore be protected by attaching a suitable condition.
15. Similarly, the requirement for cycle parking facilities within the scheme could be satisfactorily secured by attaching a suitable condition.
16. A further reason for refusal, that the proposal would not make adequate provision for wheeled bins, appears to be erroneous as a unilateral undertaking to make the necessary provision dated 2 August 2022 was submitted during the course of the application.

Conclusion

17. The proposal would not significantly affect the setting of the Grade II listed No 5 Howitts Lane or other nearby listed buildings and would preserve the character and appearance of St Neots CA. The proposal would provide an additional family size dwelling which would make a useful contribution to local housing needs and have economic and social benefits for the town. However, whilst a dwelling is acceptable in principle, these benefits are outweighed by the findings that the proposal would not be well designed nor complement the character and appearance of the area.
18. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR